



House of Representatives

General Assembly

File No. 461

January Session, 2021

Substitute House Bill No. 6321

House of Representatives, April 15, 2021

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ADOPTION AND IMPLEMENTATION OF THE CONNECTICUT PARENTAGE ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2022*) Sections 1 to 86, inclusive,
2 of this act, may be cited as the Connecticut Parentage Act.

3 Sec. 2. (NEW) (*Effective January 1, 2022*) As used in sections 1 to 86,
4 inclusive, of this act:

5 (1) "Acknowledged parent" means a person who has established a
6 parent-child relationship under sections 24 to 35, inclusive, of this act.

7 (2) "Adjudicated parent" means a person who has been adjudicated
8 to be a parent of a child by a court of competent jurisdiction.

9 (3) "Alleged genetic parent" means a person who is alleged to be, or
10 alleges that the person is, a genetic parent or possible genetic parent of
11 a child whose parentage has not been adjudicated. "Alleged genetic
12 parent" includes an alleged genetic father and alleged genetic mother.

13 "Alleged genetic parent" shall not include:

14 (A) A presumed parent;

15 (B) A person whose parental rights have been terminated or declared
16 not to exist; or

17 (C) A donor.

18 (4) "Assisted reproduction" means a method of causing pregnancy
19 other than sexual intercourse. "Assisted reproduction" includes:

20 (A) Intrauterine, intracervical or vaginal insemination;

21 (B) Donation of gametes;

22 (C) Donation of embryos;

23 (D) In-vitro fertilization and transfer of embryos; and

24 (E) Intracytoplasmic sperm injection.

25 (5) "Birth" includes stillbirth.

26 (6) "Child" means a person of any age whose parentage may be
27 determined under sections 1 to 86, inclusive, of this act.

28 (7) "Child support agency" means the Office of Child Support
29 Services within the Department of Social Services, established pursuant
30 to section 17b-179 of the general statutes, as amended by this act, and
31 authorized to administer the child support program mandated by Title
32 IV-D of the Social Security Act, 42 USC 651 et seq., as amended from
33 time to time.

34 (8) "Determination of parentage" means establishment of a parent-
35 child relationship by a court adjudication or signing of a valid
36 acknowledgment of parentage under sections 24 to 35, inclusive, of this
37 act.

38 (9) "Donor" means a person who provides a gamete or gametes or an

39 embryo or embryos intended for use in assisted reproduction, whether
40 or not for consideration. "Donor" shall not include:

41 (A) A person who gives birth to a child conceived by assisted
42 reproduction, except as provided in sections 60 to 77, inclusive, of this
43 act; or (B) A parent under sections 51 to 59, inclusive, of this act, or an
44 intended parent under sections 60 to 77, inclusive, of this act.

45 (10) "Gamete" means a sperm or egg and includes any part of a sperm
46 or egg.

47 (11) "Embryo" means a cell or group of cells containing a diploid
48 component of chromosomes or a group of such cells, not including a
49 gamete, that has the potential to develop into a live human being if
50 transferred into the body of a person under conditions in which
51 gestation may be reasonably expected to occur.

52 (12) "Genetic testing" means an analysis of genetic markers to identify
53 or exclude a genetic relationship.

54 (13) "Intended parent" means a person, married or unmarried, who
55 manifests an intent to be legally bound as a parent of a child conceived
56 by assisted reproduction.

57 (14) "Parent" means a person who has established a parent-child
58 relationship under section 19 of this act.

59 (15) "Parentage" or "parent-child relationship" means the legal
60 relationship between a child and a parent of the child.

61 (16) "Person" means a natural person of any age.

62 (17) "Presumed parent" means a person who under section 36 of this
63 act is presumed to be a parent of a child, unless the presumption is
64 overcome in a judicial proceeding.

65 (18) "Record" means information that is inscribed on a tangible
66 medium or that is stored in an electronic or other medium and is
67 retrievable in perceivable form.

68 (19) "Sign" means, with present intent to authenticate or adopt a
69 record:

70 (A) To execute or adopt a tangible symbol; or

71 (B) To attach to or logically associate with the record an electronic
72 symbol, sound or process.

73 (20) "Signatory" means a person who signs a record.

74 (21) "State" means a state of the United States, the District of
75 Columbia, Puerto Rico, the United States Virgin Islands or any territory
76 or insular possession under the jurisdiction of the United States. "State"
77 includes a federally recognized Indian tribe.

78 (22) "Transfer" means a procedure for assisted reproduction by which
79 an embryo or sperm is placed in the body of the person who will give
80 birth to the child.

81 (23) "Witnessed" means that at least one person who is authorized to
82 sign has signed a record to verify that the person personally observed a
83 signatory sign the record.

84 Sec. 3. (NEW) (*Effective January 1, 2022*) (a) Sections 1 to 86, inclusive,
85 of this act apply to a determination of parentage.

86 (b) Sections 1 to 86, inclusive, of this act do not create, affect, enlarge
87 or diminish the equitable powers of the courts of this state or parental
88 rights or duties under the law of this state other than this act.

89 Sec. 4. (NEW) (*Effective January 1, 2022*) The court shall apply the law
90 of this state to determine parentage. The applicable law shall not depend
91 on: (1) The place of birth of the child; or (2) the past or present residence
92 of the child.

93 Sec. 5. (NEW) (*Effective January 1, 2022*) (a) Petitions to adjudicate
94 parentage shall be filed in the Family Division of the Superior Court,
95 except that: (1) Petitions by an alleged genetic parent seeking to establish
96 the alleged genetic parent's parentage pursuant to section 46b-172a of

97 the general statutes, as amended by this act, shall be filed in the Probate
98 Court; (2) petitions to determine parentage after the death of the child
99 or the person whose parentage is to be determined shall be filed in the
100 Probate Court; (3) petitions for parentage orders under sections 59, 70
101 and 74 of this act, as well as petitions to validate a genetic surrogacy
102 agreement under sections 72 and 75 of this act, shall be filed in the
103 Probate Court; and (4) petitions by the IV-D agencies, in IV-D cases, as
104 defined in section 46b-231 of the general statutes, as amended by this
105 act, and in petitions brought under sections 46b-301 to 46b-425,
106 inclusive, of the general statutes, shall be filed with the clerk for the
107 Family Support Magistrate Division.

108 (b) If the petition is filed by the Office of Child Support Services of
109 the Department of Social Services, the petition shall be accompanied by
110 an affidavit of the parent whose rights have been assigned. In cases
111 where the assignor refuses to provide an affidavit, the affidavit may be
112 submitted by the Office of Child Support Services, provided the
113 affidavit alone shall not support a default judgment on the issue of
114 parentage.

115 (c) There shall be no right to a jury trial in an action to adjudicate
116 parentage.

117 (d) A petition filed in the Superior Court or the Family Support
118 Magistrate Court to adjudicate parentage may be brought any time prior
119 to the child's eighteenth birthday, provided liability for support of such
120 child shall be limited to the three years next preceding the date of the
121 filing of any such petition.

122 Sec. 6. (NEW) (*Effective January 1, 2022*) Subject to the provisions of
123 sections 1 to 86, inclusive, of this act, a proceeding to adjudicate
124 parentage may be maintained by: (1) The child, if the child is eighteen
125 years of age or older or, if the child is a minor, through a representative
126 of the child; (2) the person who gave birth to the child, unless a court
127 has adjudicated that such person is not a parent; (3) a person who is a
128 parent of the child under sections 1 to 86, inclusive, of this act; (4) a
129 person who seeks to be adjudicated a parent under the provisions of

130 sections 1 to 86, inclusive, of this act; (5) the Department of Social
131 Services or the town welfare administrator; (6) the Department of
132 Children and Families; (7) a person deemed by the court to have a
133 sufficient interest to file a claim for parentage on behalf of a deceased
134 parent; or (8) a representative authorized by the law of this state, other
135 than sections 1 to 86, inclusive, of this act, to act for a person who
136 otherwise would be entitled to maintain a proceeding but is deceased,
137 incapacitated or a minor.

138 Sec. 7. (NEW) (*Effective January 1, 2022*) (a) Notice of a proceeding to
139 adjudicate parentage shall be given, by the petitioner for proceedings in
140 the Superior Court and by the Court for proceedings in the Probate
141 Court, to the following persons: (1) The person who gave birth to the
142 child, unless a court has adjudicated that such person is not a parent; (2)
143 a presumed, acknowledged or adjudicated parent of the child; (3) a
144 person whose parentage of the child is to be adjudicated; (4) a
145 representative authorized by the law of this state to act for a person who
146 otherwise would be entitled to maintain a proceeding but is deceased,
147 incapacitated or a minor; (5) the fiduciary of an estate of deceased
148 persons otherwise entitled to notice; (6) in proceedings involving a
149 public assistance recipient, the Attorney General, who shall be and
150 remain a party to any parentage proceeding and to any proceedings
151 after judgment in such action; and (7) the Commissioner of Children and
152 Families, in proceedings involving a child for whom a petition has been
153 filed pursuant to section 46b-129 of the general statutes, as amended by
154 this act, and who is under the care and custody or guardianship of the
155 Department of Children and Families.

156 (b) A person entitled to notice under subsection (a) of this section has
157 a right to intervene in the proceeding.

158 (c) Failure to provide notice in accordance with subsection (a) of this
159 section shall not render a judgment void. Failure to provide notice in
160 accordance with subsection (a) of this section shall not preclude a person
161 entitled to notice under said subsection from bringing a proceeding
162 under sections 1 to 86, inclusive, of this act.

163 Sec. 8. (NEW) (*Effective January 1, 2022*) (a) A court may adjudicate a
164 person's parentage of a child only if the court has personal jurisdiction
165 over that person.

166 (b) A court of this state with jurisdiction to adjudicate parentage may
167 exercise personal jurisdiction over a nonresident person, or the guardian
168 or conservator of the person consistent with the laws of this state.

169 Sec. 9. (NEW) (*Effective January 1, 2022*) (a) Except as provided in
170 subsections (b) to (d), inclusive, of this section, venue for a proceeding
171 to adjudicate parentage is in the judicial district in which:

172 (1) The child resides; or

173 (2) If the child shall not reside in this state, the petitioner or
174 respondent resides.

175 (b) In actions filed in the Probate Court by an alleged genetic parent
176 seeking to establish the alleged genetic parent's parentage, the petition
177 shall be filed in the probate district where the child or birth parent
178 resides.

179 (c) In actions filed in the Probate Court to determine parentage after
180 the death of the child or the person whose parentage is to be determined,
181 the petition shall be filed in the probate district where the child,
182 petitioner, or person whose parentage is to be determined resides or
183 resided at the time of death.

184 (d) In actions filed in the Probate Court by persons seeking parentage
185 orders under sections 59, 70 and 74 of this act, or by persons seeking to
186 validate a genetic surrogacy agreement under sections 72 and 75 of this
187 act, the petition shall be filed in the probate district where the child or a
188 party to the proceeding resides.

189 (e) In IV-D cases, as defined in section 46b-231 of the general statutes,
190 as amended by this act, and in petitions brought under sections 46b-301
191 to 46b-425, inclusive, of the general statutes, venue for a proceeding to
192 adjudicate parentage is in the Family Support Magistrate Division

193 serving the judicial district where the parent who gave birth or the
194 alleged parent resides.

195 Sec. 10. (NEW) (*Effective January 1, 2022*) (a) In a proceeding under
196 sections 1 to 86, inclusive, of this act, a court may issue a temporary
197 order for child support if the order is consistent with the law of this state
198 other than the provisions of sections 1 to 86, inclusive, of this act, and
199 the person ordered to pay support is: (1) A presumed parent of the child;
200 (2) petitioning to be adjudicated a parent; (3) identified as a genetic
201 parent through genetic testing under section 47 of this act; (4) an alleged
202 genetic parent who has declined to submit to genetic testing; (5) shown
203 by clear and convincing evidence to be a parent of the child; or (6) a
204 parent under sections 1 to 86, inclusive, of this act.

205 (b) A temporary order may include a provision for custody and
206 visitation under the law of this state other than the provisions of sections
207 1 to 86, inclusive, of this act.

208 Sec. 11. (NEW) (*Effective January 1, 2022*) Except as provided in
209 sections 46b-129, 46b-129a and 46b-172a of the general statutes, as
210 amended by this act, a minor child is a permissive party but not a
211 necessary party to a proceeding under sections 1 to 86, inclusive, of this
212 act.

213 Sec. 12. (NEW) (*Effective January 1, 2022*) (a) For proceedings in the
214 Superior Court on family relations matters as described in section 46b-1
215 of the general statutes, there shall be a presumption that courtroom
216 proceedings shall be open to the public and that documents filed with
217 the court shall be available to the public. Closure of the courtroom in
218 family relations matters and the sealing of files and limited disclosure
219 of documents in family relations matters shall be in accordance with the
220 requirements prescribed in the Connecticut Practice Book.

221 (b) For proceedings in Juvenile Court, access to records is governed
222 by section 46b-124 of the general statutes.

223 (c) For proceedings in the Probate Court, members of the public may

224 observe proceedings and may view court records, unless otherwise
225 provided by law or directed by the court.

226 Sec. 13. (NEW) (*Effective January 1, 2022*) The court may dismiss a
227 proceeding under sections 1 to 86, inclusive, of this act for want of
228 prosecution only without prejudice. An order of dismissal for want of
229 prosecution purportedly with prejudice is void and has only the effect
230 of a dismissal without prejudice.

231 Sec. 14. (NEW) (*Effective January 1, 2022*) (a) An order adjudicating
232 parentage shall identify the child in a manner provided by the law of
233 this state other than sections 1 to 86, inclusive, of this act.

234 (b) Except as provided in subsection (c) of this section, the court may
235 assess filing fees, reasonable attorney's fees, fees for genetic testing,
236 other costs and necessary travel and other reasonable expenses incurred
237 in a proceeding under sections 1 to 86, inclusive, of this act. Attorney's
238 fees awarded under this subsection may be paid directly to the attorney,
239 and the attorney may enforce the order in the attorney's own name.

240 (c) The court may not assess fees, costs or expenses in a proceeding
241 under sections 1 to 86, inclusive, of this act against a child support
242 agency of this state or another state, except as provided by the law of
243 this state other than sections 1 to 86, inclusive, of this act.

244 (d) In a proceeding under sections 1 to 86, inclusive, of this act, a copy
245 of a bill for genetic testing or prenatal or postnatal health care for the
246 person who gave birth to the child or for the child, provided to the
247 adverse party not later than ten days before the date of a hearing, is
248 admissible to establish: (1) The amount of the charge billed; and (2) that
249 the charge is reasonable and necessary.

250 Sec. 15. (NEW) (*Effective January 1, 2022*) On request of a party and for
251 good cause, the court in a proceeding under sections 1 to 86, inclusive,
252 of this act may order the name of the child changed. If the court order
253 changing the child's name varies from the name on the child's birth
254 certificate, the court shall order the Department of Public Health to issue

255 an amended birth certificate.

256 Sec. 16. (NEW) (*Effective January 1, 2022*) (a) A party to an adjudication
257 of parentage by a court acting under circumstances that satisfy the
258 jurisdiction requirements of the applicable laws of this state, including
259 the provisions of this act, and any person who received notice of the
260 proceeding are bound by the adjudication.

261 (b) In a proceeding for dissolution of marriage, annulment or legal
262 separation, the court is deemed to have made an adjudication of
263 parentage of a child if the court acts under circumstances that satisfy the
264 jurisdictional requirements of the applicable laws of this state, including
265 the provisions of this act, and the final order: (1) Expressly identifies the
266 child as a "child of the marriage" or "issue of the marriage" or includes
267 similar words indicating that both spouses are parents of the child; or
268 (2) provides for support of the child by a spouse unless that spouse's
269 parentage is disclaimed specifically in the order.

270 (c) A determination of parentage may be asserted as a defense in a
271 subsequent proceeding seeking to adjudicate parentage of a person who
272 was not a party to the earlier proceeding.

273 (d) A party to an adjudication of parentage may challenge the
274 adjudication only under the law of this state other than the provisions
275 of sections 1 to 86, inclusive, of this act relating to appeal, opening or
276 setting aside judgments or other judicial review.

277 Sec. 17. (NEW) (*Effective January 1, 2022*) (a) If a child has an
278 adjudicated parent, a proceeding to challenge the adjudication, brought
279 by a person who was a party to the adjudication or received notice under
280 section 7 of this act, is governed by the Connecticut Practice Book and
281 other provisions of the general statutes concerning the opening or
282 setting aside of judgments.

283 (b) If a child has an adjudicated parent, the following rules apply to a
284 proceeding to challenge the adjudication of parentage brought by a
285 person, other than the child, who has standing under section 6 of this

286 act and was not a party to the adjudication and did not receive notice
287 under section 7 of this act:

288 (1) The person shall commence the proceeding not later than two
289 years after the effective date of the adjudication, unless the person did
290 not know and could not reasonably have known of the person's
291 potential parentage due to a material misrepresentation or concealment,
292 in which case the proceeding shall be commenced not later than one
293 year after the date of discovery of the person's potential parentage.

294 (2) The court may permit the proceeding only if the court finds
295 permitting the proceeding is in the best interest of the child.

296 (3) If the court permits the proceeding, the court shall adjudicate
297 parentage under section 23 of this act.

298 Sec. 18. (NEW) (*Effective January 1, 2022*) A proceeding under sections
299 1 to 86, inclusive, of this act is subject to the law of this state other than
300 said sections, which govern the health, safety, privacy and liberty of a
301 child or other person who could be affected by disclosure of information
302 that could identify the child or other person, including address,
303 telephone number, digital contact information, place of employment,
304 Social Security number and the child's day care facility or school.

305 Sec. 19. (NEW) (*Effective January 1, 2022*) A parent-child relationship
306 is established between a person and a child if:

307 (1) The person gives birth to the child, except as otherwise provided
308 in sections 60 to 77, inclusive, of this act;

309 (2) There is a presumption under subdivision (1) or (2) of subsection
310 (a) of section 36 of this act of the person's parentage of the child, unless
311 the presumption is overcome in a judicial proceeding;

312 (3) There is a presumption under subdivision (3) of subsection (a) of
313 section 36 of this act, and the person is adjudicated a parent of the child
314 or acknowledges parentage of the child under sections 24 to 35,
315 inclusive, of this act;

316 (4) The person is adjudicated a parent of the child under section 38 of
317 this act;

318 (5) The person is adjudicated a parent of the child under sections 40
319 to 50, inclusive, of this act;

320 (6) The person adopts the child;

321 (7) The person acknowledges parentage of the child under sections
322 24 to 35, inclusive, of this act, unless the acknowledgment is rescinded
323 under section 30 of this act or successfully challenged under section 31
324 of this act;

325 (8) The person's parentage of the child is established under sections
326 51 to 59, inclusive, of this act;

327 (9) The person's parentage of the child is established under sections
328 60 to 77, inclusive, of this act; or

329 (10) The court is deemed to have made an adjudication of parentage
330 pursuant to subsection (b) of section 16 of this act.

331 Sec. 20. (NEW) (*Effective January 1, 2022*) A parent-child relationship
332 extends equally to every child and parent, regardless of the marital
333 status or gender of the parent or the circumstances of the birth of the
334 child.

335 Sec. 21. (NEW) (*Effective January 1, 2022*) Unless parental rights are
336 terminated, a parent-child relationship established under sections 1 to
337 86, inclusive, of this act applies for all purposes.

338 Sec. 22. (NEW) (*Effective January 1, 2022*) To the extent practicable, a
339 provision of sections 1 to 86, inclusive, of this act applicable to a father-
340 child relationship or applicable to a mother-child relationship shall
341 apply to any parent-child relationship, regardless of the gender of the
342 parent.

343 Sec. 23. (NEW) (*Effective January 1, 2022*) (a) Except as provided in this
344 act, in a proceeding to adjudicate competing claims of parentage of a

345 child by two or more persons, the court shall adjudicate parentage in the
346 best interest of the child, based on:

347 (1) The age of the child;

348 (2) The length of time during which each person assumed the role of
349 parent of the child;

350 (3) The nature of the relationship between the child and each person;

351 (4) The harm to the child if the relationship between the child and
352 each person is not recognized;

353 (5) The basis for each person's claim to parentage of the child;

354 (6) Other equitable factors arising from the disruption of the
355 relationship between the child and each person, or the likelihood of
356 other harm to the child; and

357 (7) Any other factor the court deems relevant to the child's best
358 interests.

359 (b) If a person challenges parentage based on the results of genetic
360 testing, in addition to the factors listed in subsection (a) of this section,
361 the court shall consider:

362 (1) The facts surrounding the discovery that the person might not be
363 a genetic parent of the child; and

364 (2) The length of time between the time that the person was placed
365 on notice that the person might not be a genetic parent and the
366 commencement of the proceeding.

367 (c) The court may adjudicate a child to have more than two parents
368 under sections 1 to 86, inclusive, of this act if the court finds that failure
369 to recognize more than two parents would be detrimental to the child.
370 A finding of detriment to the child shall not require a finding of
371 unfitness of any parent or person seeking an adjudication of parentage.
372 In determining detriment to the child, the court shall consider all

373 relevant factors, including the harm if the child is removed from a stable
374 placement with a person who has fulfilled the child's physical needs and
375 psychological needs for care and affection and has assumed the role for
376 a substantial period.

377 (d) If a court has adjudicated a child to have more than two parents
378 under sections 1 to 86, inclusive, of this act, the law of this state other
379 than this act applies to determinations of legal and physical custody of,
380 or visitation with, such child, and to obligations to support such child.
381 The child support guidelines established pursuant to section 46b-215 of
382 the general statutes shall not apply until such guidelines have been
383 revised to address the circumstances when a child has more than two
384 parents, and until such revision is effective, a court of competent
385 jurisdiction shall consider the child support guidelines and the criteria
386 for such awards established in sections 46b-84 of the general statutes,
387 46b-86 of the general statutes, 46b-130 of the general statutes, 46b-171 of
388 the general statutes, as amended by this act, 46b-172 of the general
389 statutes, as amended by this act, 46b-215 of the general statutes, as
390 amended by this act, 17b-179 of the general statutes, and 17b-745 of the
391 general statutes in making or modifying orders of support of the child.

392 Sec. 24. (NEW) (*Effective January 1, 2022*) A person who gave birth to
393 a child and an alleged genetic parent of the child, a presumed parent
394 under section 36 of this act, or an intended parent under sections 51 to
395 59, inclusive, of this act may sign an acknowledgment of parentage to
396 establish the parentage of the child.

397 Sec. 25. (NEW) (*Effective January 1, 2022*) (a) An acknowledgment of
398 parentage under section 24 of this act shall:

399 (1) Be in a record signed by the person who gave birth to the child
400 and by the person seeking to establish a parent-child relationship, and
401 the signatures shall be attested by a notarial officer or witnessed;

402 (2) State that the child whose parentage is being acknowledged shall
403 not have another acknowledged or adjudicated parent or person who is
404 a parent of the child under sections 51 to 77, inclusive, of this act other

405 than the person who gave birth to the child;

406 (3) State that the child whose parentage is being acknowledged shall
407 not, at the time of signing, have a birth certificate identifying as a parent
408 a person other than the person who gave birth to the child or the person
409 acknowledging parentage;

410 (4) State that no action is pending in which the child's parentage is at
411 issue, unless all parties to the action agree to the establishment of the
412 signatory's parentage pursuant to the acknowledgment; and

413 (5) State that the signatories understand that the acknowledgment is
414 the equivalent of an adjudication of parentage of the child and that a
415 challenge to the acknowledgment is permitted only under limited
416 circumstances.

417 (b) An acknowledgment of parentage shall not be binding unless,
418 prior to the signing of any acknowledgment of parentage, the
419 signatories are given oral and written notice of the alternatives to, the
420 legal consequences of, and the rights and responsibilities that arise from
421 signing such acknowledgment.

422 (1) The notice to both signatories shall explain:

423 (A) The right to rescind the acknowledgment, as set forth in section
424 31 of this act, including the address where such notice of rescission
425 should be sent;

426 (B) That the acknowledgment cannot be challenged after sixty days,
427 except in court or before a family support magistrate upon a showing of
428 fraud, duress or material mistake of fact;

429 (C) That the acknowledgment of parentage may result in rights of
430 custody and visitation for the acknowledged parent, as well as a duty of
431 financial support from the acknowledged parent; and

432 (D) That, if the person acknowledging parentage is acknowledging
433 that they are the child's genetic parent, genetic testing is available to

434 establish parentage with a high degree of accuracy and, under certain
435 circumstances, at state expense; and if either person is not certain of the
436 child's genetic parentage as it pertains to the acknowledgment of
437 parentage, neither person should sign the form.

438 (2) The notice to the person acknowledging parentage shall include,
439 but not be limited to:

440 (A) Notice that the person will be liable for the child's financial and
441 medical support at least until the child's eighteenth birthday; that such
442 support shall be enforced by income withholding; and that failure to
443 provide such support could result in a civil or criminal court proceeding
444 being brought against the person.

445 (B) Notice that, if the person acknowledging parentage is
446 acknowledging that they are the child's genetic parent, that person has
447 the right to contest parentage, including the right to appointment of
448 counsel, a genetic test to determine parentage and a trial by the Superior
449 Court or a family support magistrate.

450 (c) An acknowledgment of parentage is void if, at the time of signing:

451 (1) A person, other than the person who gave birth to the child or the
452 person seeking to establish parentage, is an acknowledged or
453 adjudicated parent or a parent under sections 51 to 77, inclusive, of this
454 act;

455 (2) The child whose parentage is being acknowledged has a birth
456 certificate identifying as a parent a person other than the person who
457 gave birth to the child or the person acknowledging parentage; or

458 (3) An action is pending in which the child's parentage is at issue,
459 unless all parties to the action agree to the establishment of the
460 signatory's parentage pursuant to the acknowledgment.

461 Sec. 26. (NEW) (*Effective January 1, 2022*) (a) An acknowledgment of
462 parentage may be signed before or after the birth of the child, except that
463 an acknowledgment signed by a presumed parent under subdivision (3)

464 of subsection (a) of section 36 of this act may be signed only after the
465 presumption is satisfied.

466 (b) An acknowledgment of parentage takes effect on the birth of the
467 child or filing of the document with the Department of Public Health,
468 whichever occurs later.

469 (c) An acknowledgment of parentage signed by a minor is valid if the
470 acknowledgment complies with the provisions of sections 1 to 86,
471 inclusive, of this act.

472 Sec. 27. (NEW) (*Effective January 1, 2022*) Except as provided in section
473 31 of this act, an acknowledgment of parentage that complies with
474 sections 24 to 35, inclusive, of this act and is filed with the Department
475 of Public Health is equivalent to an adjudication by the Superior Court
476 of parentage of the child and confers on the acknowledged parent all
477 rights and duties of a parent.

478 Sec. 28. (NEW) (*Effective January 1, 2022*) The Department of Public
479 Health may not charge a fee for filing an acknowledgment of parentage.

480 Sec. 29. (NEW) (*Effective January 1, 2022*) A court conducting a judicial
481 proceeding or an administrative agency conducting an administrative
482 proceeding is not required or permitted to ratify an unchallenged
483 acknowledgment of parentage.

484 Sec. 30. (NEW) (*Effective January 1, 2022*) (a) A signatory may rescind
485 an acknowledgment of parentage by filing with the Department of
486 Public Health a rescission in a signed record that is attested by a notarial
487 officer or witnessed, before the earlier of:

488 (1) Sixty days after the effective date under section 26 of this act of the
489 acknowledgment; or

490 (2) The date of the first hearing before a court in a proceeding, to
491 which the signatory is a party, to adjudicate an issue relating to the child,
492 including a proceeding that establishes support.

493 (b) If an acknowledgment of parentage is rescinded under subsection
494 (a) of this section, the Department of Public Health shall notify the
495 person who gave birth to the child that the acknowledgment has been
496 rescinded. Failure to give the notice required by this subsection shall not
497 affect the validity of the rescission.

498 Sec. 31. (NEW) (*Effective January 1, 2022*) (a) After the period for
499 rescission under section 30 of this act expires, an acknowledgment of
500 parentage may be challenged only on the basis of fraud, duress or
501 material mistake of fact which, in cases in which the acknowledgment
502 has been signed by the birth parent and an alleged genetic parent, may
503 include evidence that the alleged genetic parent is not the genetic
504 parent. A party challenging an acknowledgment of parentage has the
505 burden of proof.

506 (b) Every signatory to an acknowledgment of parentage shall be
507 made a party to a proceeding to challenge the acknowledgment.

508 (c) By signing an acknowledgment of parentage, a signatory submits
509 to personal jurisdiction in this state in a proceeding to challenge the
510 acknowledgment, effective on the filing of the acknowledgment with
511 the Department of Public Health.

512 (d) During the pendency of a challenge to the acknowledgment of
513 parentage, any responsibilities, including the duty to pay child support,
514 arising from the acknowledgment shall continue except for good cause
515 shown.

516 (e) If the court or family support magistrate determines that the
517 challenger has met the challenger's burden of proof under subsection (a)
518 of this section, the acknowledgment of parentage shall be set aside only
519 if such court or family support magistrate determines that doing so is in
520 the best interest of the child, based on the relevant factors set forth in
521 section 23 of this act.

522 (f) If the court or family support magistrate determines that the
523 requirements of subsections (a) and (e) of this section are satisfied, the

524 court or family support magistrate shall order the Department of Public
525 Health to amend the birth record of the child to reflect the legal
526 parentage of the child.

527 (g) In cases involving a child who is or has been supported by the
528 state, whenever the court or family support magistrate finds that the
529 person challenging the acknowledgment of parentage is not a parent
530 because such person has met the burden of proof under subsections (a)
531 and (e) of this section, the Department of Social Services shall refund to
532 such person any money paid by such person to the state during any
533 period such child was supported by the state.

534 Sec. 32. (NEW) (*Effective January 1, 2022*) This state shall give full faith
535 and credit to an acknowledgment of parentage effective in another state
536 if the acknowledgment was in a signed record and otherwise complies
537 with the law of the other state.

538 Sec. 33. (NEW) (*Effective January 1, 2022*) (a) The Department of Public
539 Health shall prescribe forms for an acknowledgment of parentage. Such
540 forms shall include the minimum requirements specified by the
541 Secretary of the United States Department of Health and Human
542 Services, contained in 45 CFR 303.5, as amended from time to time, and
543 shall be in compliance with the provisions of this act. Any
544 acknowledgment or rescission executed in accordance with this
545 subsection shall be filed in the parentage registry established and
546 maintained by the Department of Public Health under section 19a-42a
547 of the general statutes, as amended by this act.

548 (b) A valid acknowledgment of parentage is not affected by a later
549 modification of the form under subsection (a) of this section.

550 Sec. 34. (NEW) (*Effective January 1, 2022*) The Department of Public
551 Health may release information relating to an acknowledgment of
552 parentage to a signatory of the acknowledgment, the child if such child
553 is eighteen years of age or older, a guardian of the person whose
554 parentage is acknowledged, an attorney representing a person to whom
555 such information may be released, a court, a federal agency, an

556 authorized representative of the Department of Social Services, the child
557 support agency of this state, any agency acting under a cooperative or
558 purchase of service agreement with the child support agency of this
559 state, and the child support agency of another state.

560 Sec. 35. (NEW) (*Effective January 1, 2022*) The Commissioner of Public
561 Health may adopt regulations in accordance with the provisions of
562 chapter 54 of the general statutes to implement the provisions of sections
563 24 to 34, inclusive, of this act.

564 Sec. 36. (NEW) (*Effective January 1, 2022*) (a) Except as otherwise
565 provided in sections 1 to 86, inclusive, of this act, a person is presumed
566 to be a parent of a child if:

567 (1) The person and the person who gave birth to the child are married
568 to each other and the child is born during the marriage, whether the
569 marriage is or could be declared invalid;

570 (2) The person and the person who gave birth to the child were
571 married to each other and the child is born not later than three hundred
572 days after the date on which the marriage is terminated by death,
573 dissolution or annulment, or after a decree of separation; or

574 (3) The person, jointly with another parent, resided in the same
575 household with the child and openly held out the child as the person's
576 own child from the time the child was born or adopted and for a period
577 of at least two years thereafter, including any period of temporary
578 absence.

579 (b) The parentage of a presumed parent under subdivision (3) of
580 subsection (a) of this section shall be established by a court adjudication
581 or signing of a valid acknowledgment of parentage under sections 24 to
582 35, inclusive, of this act.

583 (c) A presumption of parentage under this section may be overcome
584 only by court order under section 37 of this act, and competing claims
585 to parentage shall be resolved under section 23 of this act.

586 (d) In a proceeding pending before the Probate Court brought under
587 sections 45a-603 to 45a-622, inclusive, of the general statutes, and
588 sections 45a-715 to 45a-717, inclusive, of the general statutes, if notice is
589 given to a presumed parent under this section and such presumed
590 parent's parentage has not been established by a court adjudication or
591 signing of a valid acknowledgment of parentage under sections 24 to 35,
592 inclusive, of this act, the Probate Court shall have jurisdiction over the
593 presumed parent's parentage determination.

594 (e) In a proceeding pending before the civil session of the superior
595 court for juvenile matters, regarding a child for whom a petition under
596 section 46b-129 of the general statutes has been filed, a presumed parent
597 under subdivision (3) of subsection (a) of this section, identified as such
598 by an existing parent or by the child and not having established
599 parentage by a court adjudication or signing of a valid acknowledgment
600 of parentage under sections 24 to 35, inclusive, of this act, shall be given
601 notice of the proceeding, but shall not be treated as a parent until the
602 signing of a valid acknowledgment of parentage under sections 24 to 35,
603 inclusive, of this act, or a court adjudication that the person is a parent.
604 The juvenile court in which the petition under section 46b-129 of the
605 general statutes is pending shall have jurisdiction over such person's
606 parentage determination and the Department of Children and Families
607 shall have standing to request such parentage determination.

608 Sec. 37. (NEW) (*Effective January 1, 2022*) (a) A proceeding to
609 determine whether a presumed parent is a parent of a child may be
610 commenced: (1) Before the child reaches eighteen years of age; or (2)
611 after the child reaches eighteen years of age, but only if the child initiates
612 the proceeding.

613 (b) Except as provided in subsection (e) of this section, a presumption
614 of parentage under section 36 of this act cannot be overcome after the
615 child attains two years of age unless the court determines:

616 (1) The presumed parent is not a genetic parent, never resided with
617 the child, and never held out the child as the presumed parent's child;
618 or

619 (2) The child has more than one presumed parent; or

620 (3) The alleged genetic parent did not know of the potential genetic
621 parentage of the child and could not reasonably have known on account
622 of material misrepresentation or concealment, and the alleged genetic
623 parent commences a proceeding to challenge a presumption of
624 parentage under section 36 of this act not later than one year after the
625 date of discovering the potential genetic parentage. If the person is
626 adjudicated to be the genetic parent of the child, the court may not
627 disestablish a presumed parent.

628 (c) The following rules apply in a proceeding to adjudicate a
629 presumed parent's parentage of a child if the person who gave birth to
630 the child is the only other person with a claim to parentage of the child:

631 (1) If no party to the proceeding challenges the presumed parent's
632 parentage of the child, the court shall adjudicate the presumed parent
633 to be a parent of the child.

634 (2) If the presumed parent is identified under section 45 of this act as
635 a genetic parent of the child and that identification is not successfully
636 challenged under said section, the court shall adjudicate the presumed
637 parent to be a parent of the child.

638 (3) If the presumed parent is not identified under section 45 of this act
639 as a genetic parent of the child and the presumed parent or the person
640 who gave birth to the child challenges the presumed parent's parentage
641 of the child, the court shall adjudicate the parentage of the child in the
642 best interest of the child based on the factors under subsections (a) and
643 (b) of section 23 of this act.

644 (d) Subject to the limitations set forth in this section and section 36 of
645 this act, if in a proceeding to adjudicate a presumed parent's parentage
646 of a child, another person in addition to the person who gave birth to
647 the child asserts a claim to parentage of the child, the court shall
648 adjudicate parentage under section 23 of this act.

649 (e) A presumption of parentage under subdivision (3) of subsection

650 (a) of section 36 of this act, can be challenged if such other parent openly
651 held out the child as the presumed parent's child due to duress, coercion
652 or threat of harm. Evidence of duress, coercion or threat of harm may
653 include: (1) Whether within the ten-year period preceding the date of
654 the proceeding, the presumed parent: (A) Has been convicted of
655 domestic assault, sexual assault or sexual exploitation of the child or a
656 parent of the child; (B) has been convicted of a family violence crime, as
657 defined in section 46b-38a of the general statutes; (C) is or has been
658 subject to an order of protection pursuant to sections 46b-15, 46b-16a,
659 46b-38c, or 54-1k of the general statutes; (D) was found to have
660 committed abuse against the child or a parent of the child; or (E) was
661 substantiated for abuse against the child or a parent of the child; (2) a
662 sworn affidavit from a domestic violence counselor or sexual assault
663 counselor, as defined in section 52-146k of the general statutes, provided
664 the person who had confidential communications with the domestic
665 violence counselor or sexual assault counselor has waived the privilege,
666 in which case disclosure shall be made pursuant to section 52-146k of
667 the general statutes; or (3) other credible evidence of abuse against the
668 parent of the child or the child, including, but not limited to, the parent's
669 or child's sworn affidavit or an affidavit from a social service provider,
670 health care provider, clergy person, attorney, or other professional from
671 whom the parent or child sought assistance regarding the abuse.

672 Sec. 38. (NEW) (*Effective July 1, 2022*) (a) In a proceeding to adjudicate
673 parentage of a person who claims to be a de facto parent of the child, if
674 there is only one other person who is a parent or has a claim to parentage
675 of the child, the court shall adjudicate the person who claims to be a de
676 facto parent to be a parent of the child if the person demonstrates by
677 clear and convincing evidence that:

678 (1) The person resided with the child as a regular member of the
679 child's household for at least one year, unless the court finds good cause
680 to accept a shorter period of residence as a regular member of the child's
681 household;

682 (2) The person engaged in consistent caretaking of the child which

683 may include regularly caring for the child's needs and making day-to-
684 day decisions regarding the child individually or cooperatively with
685 another legal parent;

686 (3) The person undertook full and permanent responsibilities of a
687 parent of the child without expectation of financial compensation;

688 (4) The person held out the child as the person's child;

689 (5) The person established a bonded and dependent relationship with
690 the child that is parental in nature;

691 (6) Another parent of the child fostered or supported the bonded and
692 dependent relationship required under subdivision (5) of this
693 subsection; and

694 (7) Continuing the relationship between the person and the child is
695 in the best interest of the child.

696 (b) A parent of the child may use evidence of duress, coercion or
697 threat of harm to contest an allegation that the parent fostered or
698 supported a bonded and dependent relationship as described in
699 subdivision (6) of subsection (a) of this section. Such evidence may
700 include: (1) Whether within a ten-year period preceding the date of the
701 proceeding, the person seeking to be adjudicated a de facto parent: (A)
702 Has been convicted of domestic assault, sexual assault or sexual
703 exploitation of the child or a parent of the child; (B) has been convicted
704 of a family violence crime, as defined in section 46b-38a of the general
705 statutes; (C) is or has been subject to an order of protection pursuant to
706 sections 46b-15, 46b-16a, 46b-38c, or 54-1k of the general statutes; (D)
707 was found to have committed abuse against the child or a parent of the
708 child; or (E) was substantiated for abuse against the child or a parent of
709 the child; (2) a sworn affidavit from a domestic violence counselor or
710 sexual assault counselor, as defined in section 52-146k of the general
711 statutes, provided the person who had confidential communications
712 with the domestic violence counselor or sexual assault counselor has
713 waived the privilege, in which case disclosure shall be made pursuant

714 to section 52-146k of the general statutes; or (3) other credible evidence
715 of abuse against the parent of the child or the child, including, but not
716 limited to, the parent's or child's sworn affidavit or an affidavit from a
717 social service provider, health care provider, clergy person, attorney, or
718 other professional from whom the parent or child sought assistance
719 regarding the abuse.

720 (c) Subject to other limitations set forth in this section and section 39
721 of this act, if, in a proceeding to adjudicate parentage of a person who
722 claims to be a de facto parent of the child, there is more than one other
723 person who is a parent or has a claim to parentage of the child and the
724 court determines that the requirements of subsection (a) of this section
725 are satisfied, the court shall adjudicate parentage under section 23 of this
726 act, provided the adjudication of a person as a de facto parent under this
727 section shall not disestablish the parentage of any other parent, nor limit
728 any other parent's rights under the laws of this state.

729 Sec. 39. (NEW) (*Effective July 1, 2022*) (a) A proceeding to establish
730 parentage of a child under this section may be commenced only by a
731 person who: (1) Is alive when the proceeding is commenced; and (2)
732 claims to be a de facto parent of the child.

733 (b) A person seeking to be adjudicated a de facto parent of a child
734 shall file a petition with the court before the child reaches eighteen years
735 of age. The child is required to be alive at the time of the filing. The
736 petition shall include a verified affidavit alleging facts to support the
737 existence of a de facto parent relationship with the child. The petition
738 and affidavit shall be served on all parents and legal guardians of the
739 child and any other party to the proceeding.

740 (c) An adverse party, parent or legal guardian may file a pleading and
741 verified affidavit in response to the petition that shall be served on all
742 parties to the proceeding.

743 (d) The court shall determine on the basis of the pleadings and
744 affidavits whether the person seeking to be adjudicated a de facto parent
745 has presented prima facie evidence of the criteria for de facto parentage

746 as provided in subsection (a) of section 38 of this act and, therefore, has
747 standing to proceed with a parentage action. The court, in its sole
748 discretion, may hold a hearing to determine disputed facts that are
749 necessary and material to the issue of standing.

750 (e) If the child for whom the person is seeking to be adjudicated a de
751 facto parent has two parents at the time the petition is filed and there is
752 litigation pending between the parents at the time the petition is filed
753 regarding custody or visitation with respect to the child, a parent may
754 use evidence that the de facto parent action is being brought to interfere
755 improperly in the pending litigation in order to show that allowing the
756 action to proceed would not be in the child's best interests. Based on
757 such evidence, the court may determine that allowing the de facto
758 parent petition to proceed would not be in the best interests of the child
759 and may dismiss the petition without prejudice.

760 (f) The court may enter an interim order concerning contact between
761 the child and a person with standing seeking adjudication under this
762 section and section 38 of this act as a de facto parent of the child.

763 Sec. 40. (NEW) (*Effective January 1, 2022*) As used in sections 40 to 50,
764 inclusive, of this act:

765 (1) "Combined relationship index" means the product of all tested
766 relationship indices.

767 (2) "Ethnic or racial group" means, for the purpose of genetic testing,
768 a recognized group that a person identifies as the person's ancestry or
769 part of the ancestry or that is identified by other information.

770 (3) "Hypothesized genetic relationship" means an asserted genetic
771 relationship between a person and a child.

772 (4) "Probability of parentage" means, for the ethnic or racial group to
773 which a person alleged to be a parent belongs, the probability that a
774 hypothesized genetic relationship is supported, compared to the
775 probability that a genetic relationship is supported between the child
776 and a random person of the ethnic or racial group used in the

777 hypothesized genetic relationship, expressed as a percentage
778 incorporating the combined relationship index and a prior probability.

779 (5) "Relationship index" means a likelihood ratio that compares the
780 probability of a genetic marker given a hypothesized genetic
781 relationship and the probability of the genetic marker given a genetic
782 relationship between the child and a random person of the ethnic or
783 racial group used in the hypothesized genetic relationship.

784 Sec. 41. (NEW) (*Effective January 1, 2022*) (a) Sections 40 to 50,
785 inclusive, of this act govern genetic testing of a person in a proceeding
786 to adjudicate parentage, whether the person: (1) Voluntarily submits to
787 testing; or (2) is tested under an order of the court or a child support
788 agency.

789 (b) Genetic testing may not be used: (1) To challenge the parentage of
790 a person who is a parent under sections 51 to 77, inclusive, of this act; or
791 (2) to establish the parentage of a person who is a donor.

792 Sec. 42. (NEW) (*Effective January 1, 2022*) (a) Except as provided in
793 sections 40 to 50, inclusive, of this act, in any proceeding under sections
794 1 to 86, inclusive, of this act to adjudicate parentage, the court or a family
795 support magistrate shall order the child and any other person to submit
796 to genetic testing if a request for testing is supported by the sworn
797 statement of a party:

798 (1) Alleging a reasonable possibility that the person is the child's
799 genetic parent; or

800 (2) Denying genetic parentage of the child.

801 (b) A child support agency shall require genetic testing only if there
802 is no presumed, acknowledged or adjudicated parent of a child other
803 than the person who gave birth to the child.

804 (c) The court, a family support magistrate or child support agency
805 may not order in utero genetic testing.

806 (d) If two or more persons are subject to court-ordered genetic testing,
807 the court may order that testing be completed concurrently or
808 sequentially.

809 (e) Genetic testing of a person who gave birth to a child is not a
810 condition precedent to testing of the child and a person whose genetic
811 parentage of the child is being determined. If the person is unavailable
812 or declines to submit to genetic testing, the court may order genetic
813 testing of the child and each person whose genetic parentage of the child
814 is being adjudicated.

815 (f) In a proceeding to adjudicate the parentage of a child having a
816 presumed parent or a person who claims to be a parent under section 38
817 of this act, the court may deny a motion for genetic testing of the child
818 and any other person after considering the factors set forth in
819 subsections (a) and (b) of section 23 of this act.

820 (g) If a person requesting genetic testing is barred under section 17,
821 31, 37, 48 or 52 of this act from establishing the person's parentage, the
822 court shall deny the request for genetic testing.

823 (h) A default judgment may be ordered against a person who refuses
824 to submit to court-mandated genetic testing under this section and in
825 accordance with subsection (g) of section 46b-160 of the general statutes,
826 as amended by this act.

827 Sec. 43. (NEW) (*Effective January 1, 2022*) (a) Genetic testing shall be of
828 a type reasonably relied on by experts in the field of genetic testing and
829 performed in a testing laboratory accredited by:

830 (1) The AABB, formerly known as the American Association of Blood
831 Banks, or a successor to its functions; or

832 (2) An accrediting body designated by the Secretary of the United
833 States Department of Health and Human Services.

834 (b) A specimen used in genetic testing may consist of a sample or a
835 combination of samples of blood, buccal cells, bone, hair or other body

836 tissue or fluid. The specimen used in the testing need not be of the same
837 kind for each person undergoing genetic testing.

838 (c) Based on the ethnic or racial group of a person undergoing genetic
839 testing, a testing laboratory shall determine the databases from which
840 to select frequencies for use in calculating a relationship index. If a
841 person or a child support agency objects to the laboratory's choice, the
842 following rules apply:

843 (1) Not later than thirty days after the date of receipt of the report of
844 the test, the objecting person or child support agency may request the
845 court to require the laboratory to recalculate the relationship index
846 using an ethnic or racial group different from that used by the
847 laboratory.

848 (2) The person or the child support agency objecting to the
849 laboratory's choice under this subsection shall: (A) If the requested
850 frequencies are not available to the laboratory for the ethnic or racial
851 group requested, provide the requested frequencies compiled in a
852 manner recognized by accrediting bodies; or (B) engage another
853 laboratory to perform the calculations.

854 (3) The laboratory may use its own statistical estimate if there is a
855 question which ethnic or racial group is appropriate. The laboratory
856 shall calculate the frequencies using statistics, if available, for any other
857 ethnic or racial group requested.

858 (d) If, after recalculation of the relationship index under subsection
859 (c) of this section using a different ethnic or racial group, genetic testing
860 under section 45 of this act shall not identify a person as a genetic parent
861 of a child, the court may require a person who has been tested to submit
862 to additional genetic testing to identify a genetic parent.

863 Sec. 44. (NEW) (*Effective January 1, 2022*) (a) A report of genetic testing
864 shall be in a record and signed under penalty of perjury by a designee
865 of the testing laboratory. A report complying with the requirements of
866 sections 40 to 50, inclusive, of this act is self-authenticating.

867 (b) Documentation from a testing laboratory of the following
868 information is sufficient to establish a reliable chain of custody and
869 allow the results of genetic testing to be admissible without testimony:

870 (1) The name and photograph of each person whose specimen has
871 been taken;

872 (2) The name of the person who collected each specimen;

873 (3) The place and date each specimen was collected;

874 (4) The name of the person who received each specimen in the testing
875 laboratory; and

876 (5) The date each specimen was received.

877 Sec. 45. (NEW) (*Effective January 1, 2022*) (a) Subject to a challenge
878 under subsection (b) of this section, a person is identified under sections
879 40 to 50, inclusive, of this act as a genetic parent of a child if genetic
880 testing complies with said sections and the results of the testing disclose:
881 (1) The person has not less than a ninety-nine per cent probability of
882 parentage, using a prior probability of 0.50, as calculated by using the
883 combined relationship index obtained in the testing; and (2) a combined
884 relationship index of not less than one hundred to one.

885 (b) A person identified under subsection (a) of this section as a genetic
886 parent of the child may challenge the genetic testing results only by
887 other genetic testing satisfying the requirements of sections 40 to 50,
888 inclusive, of this act that:

889 (1) Excludes the person as a genetic parent of the child; or

890 (2) Identifies another person as a possible genetic parent of the child
891 other than: (A) The person who gave birth to the child; or (B) the person
892 identified under subsection (a) of this section.

893 (c) If more than one person other than the person who gave birth is
894 identified by genetic testing as a possible genetic parent of the child, the
895 court shall order each person to submit to further genetic testing to

896 identify a genetic parent.

897 Sec. 46. (NEW) (*Effective January 1, 2022*) Payment of the cost of initial
898 genetic testing shall be made in accordance with sections 46b-168 of the
899 general statutes, as amended by this act, and 46b-168a of the general
900 statutes, as amended by this act.

901 Sec. 47. (NEW) (*Effective January 1, 2022*) The court or the Office of
902 Child Support Services of the Department of Social Services shall
903 require additional genetic testing on request of a person who contests
904 the result of the initial testing under section 45 of this act. If initial
905 genetic testing under said section identified a person as a genetic parent
906 of the child, the court or agency may not require additional testing
907 unless the contesting person pays for the testing in advance.

908 Sec. 48. (NEW) (*Effective January 1, 2022*) (a) If in a proceeding to
909 determine whether an alleged genetic parent who is not a presumed
910 parent is a parent of a child and the person who gave birth to the child
911 is the only other person with a claim to parentage of the child, the court
912 shall adjudicate an alleged genetic parent to be a parent of the child if
913 the alleged genetic parent:

914 (1) Is identified under section 45 of this act as a genetic parent of the
915 child and the identification is not successfully challenged under said
916 section;

917 (2) Admits parentage in a pleading, when making an appearance, or
918 during a hearing, the court accepts the admission, and the court
919 determines the alleged genetic parent to be a parent of the child;

920 (3) Declines to submit to genetic testing ordered by the court or a
921 child support agency, in which case the court may adjudicate the alleged
922 genetic parent to be a parent of the child even if the alleged genetic
923 parent denies a genetic relationship with the child;

924 (4) Is in default after service of process and the court determines the
925 alleged genetic parent to be a parent of the child; or

926 (5) Is neither identified nor excluded as a genetic parent by genetic
927 testing and, based on other evidence, the court determines the alleged
928 genetic parent to be a parent of the child.

929 (b) Subject to the limitations set forth in sections 40 to 50, inclusive, of
930 this act, if, in a proceeding involving an alleged genetic parent, at least
931 one other person in addition to the person who gave birth to the child
932 has a claim to parentage of the child, the court shall adjudicate parentage
933 under section 23 of this act.

934 (c) If in a proceeding involving an alleged genetic parent, another
935 person other than the person who gave birth is a parent of the child, the
936 alleged genetic parent can seek a determination that such person is the
937 child's parent under section 23 of this act, in addition to the existing
938 parents. An adjudication of parentage under this subsection that the
939 alleged genetic parent is a parent shall not disestablish the parentage of
940 any other parent.

941 Sec. 49. (NEW) (*Effective January 1, 2022*) (a) Release of a report of
942 genetic testing for parentage is controlled by the law of this state other
943 than sections 1 to 86, inclusive, of this act.

944 (b) A person who intentionally releases an identifiable specimen of
945 another person collected for genetic testing under sections 42 to 54,
946 inclusive, of this act for a purpose not relevant to a proceeding regarding
947 parentage, without a court order or written permission of the person
948 who furnished the specimen, shall be fined not more than two hundred
949 dollars or imprisoned not more than six months, or both.

950 Sec. 50. (NEW) (*Effective January 1, 2022*) (a) Except as provided in
951 subsection (b) of section 41 of this act, the court shall admit a report of
952 genetic testing ordered by the court under section 42 of this act as
953 evidence of the truth of the facts asserted in the report.

954 (b) A party may object to the admission of a report described in
955 subsection (a) of this section, not later than fourteen days after the date
956 on which the party receives the report. The party shall cite specific

957 grounds for the objection to admission.

958 (c) A party that objects to the results of genetic testing may call a
959 genetic-testing expert to testify in person or by another method
960 approved by the court. Unless the court orders otherwise, the party
961 offering the testimony bears the expense for the expert testifying.

962 (d) Admissibility of a report of genetic testing is not affected by
963 whether the testing was performed: (1) Voluntarily or under an order of
964 the court or a child support agency; or (2) before, on or after
965 commencement of the proceeding.

966 Sec. 51. (NEW) (*Effective January 1, 2022*) Sections 51 to 59, inclusive,
967 of this act do not apply to the birth of a child conceived by sexual
968 intercourse or assisted reproduction under a surrogacy agreement
969 under sections 60 to 77, inclusive, of this act.

970 Sec. 52. (NEW) (*Effective January 1, 2022*) A donor is not a parent of a
971 child conceived by assisted reproduction by virtue of the donor's genetic
972 connection. A donor may not establish the donor's parentage by signing
973 an acknowledgment of parentage under sections 24 to 35, inclusive, of
974 this act.

975 Sec. 53. (NEW) (*Effective January 1, 2022*) A person who consents
976 under section 54 of this act to assisted reproduction by another person
977 with the intent to be a parent of a child conceived by the assisted
978 reproduction is a parent of the child.

979 Sec. 54. (NEW) (*Effective January 1, 2022*) (a) Except as provided in
980 subsection (b) of this section, the consent described in section 53 of this
981 act shall be in a record signed by a person giving birth to a child
982 conceived by assisted reproduction and a person who intends to be a
983 parent of the child.

984 (b) Failure to consent in a record as required by subsection (a) of this
985 section, before, on or after the date of birth of the child, shall not
986 preclude the court from finding consent to parentage if the person who
987 gave birth or the person who intends to be a parent of the child proves

988 by clear and convincing evidence the existence of an agreement that the
989 person and the person giving birth intended they both would be parents
990 of the child.

991 Sec. 55. (NEW) (*Effective January 1, 2022*) (a) Except as provided in
992 subsection (b) of this section, a person who, at the time of a child's birth,
993 is the spouse of the person who gave birth to the child by assisted
994 reproduction may not challenge the person's parentage of the child
995 unless: (1) Not later than two years after the date of birth of the child,
996 the person commences a proceeding to adjudicate the person's
997 parentage of the child; and (2) the court finds the person did not consent
998 to the assisted reproduction, before, on or after the date of birth of the
999 child, or withdrew consent under section 57 of this act.

1000 (b) A proceeding to adjudicate a spouse's parentage of a child born
1001 by assisted reproduction may be commenced at any time if the court
1002 determines:

1003 (1) The spouse neither provided a gamete for, nor consented to, the
1004 assisted reproduction;

1005 (2) The spouse and the person who gave birth to the child have not
1006 cohabited since the probable time of assisted reproduction; and

1007 (3) The spouse never openly held out the child as the spouse's child.

1008 (c) This section shall apply to a spouse's dispute of parentage even if
1009 the spouse's marriage is declared invalid after assisted reproduction
1010 occurs.

1011 Sec. 56. (NEW) (*Effective January 1, 2022*) If a marriage of a person who
1012 gives birth to a child conceived by assisted reproduction is terminated
1013 through dissolution of marriage or annulment, or is subject to legal
1014 separation, before transfer of gametes or embryos to the person giving
1015 birth, a former spouse of the person giving birth is not a parent of the
1016 child unless the former spouse consented in a record that the former
1017 spouse would be a parent of the child if assisted reproduction were to
1018 occur after a dissolution of marriage, annulment or legal separation, and

1019 the former spouse did not withdraw consent under section 57 of this act.

1020 Sec. 57. (NEW) (*Effective January 1, 2022*) (a) A person who consents
1021 under section 54 of this act to assisted reproduction may withdraw
1022 consent at any time before a transfer that results in a pregnancy, by
1023 giving notice in a record of the withdrawal of consent to the person who
1024 agreed to give birth to a child conceived by assisted reproduction and
1025 to any clinic or health care provider facilitating the assisted
1026 reproduction. Failure to give notice to the clinic or health care provider
1027 shall not affect a determination of parentage under sections 1 to 86,
1028 inclusive, of this act.

1029 (b) A person who withdraws consent under subsection (a) of this
1030 section is not a parent of the child under sections 51 to 59, inclusive, of
1031 this act.

1032 Sec. 58. (NEW) (*Effective January 1, 2022*) (a) If a person who intends
1033 to be a parent of a child conceived by assisted reproduction dies during
1034 the period between the transfer of a gamete or embryo and the birth of
1035 the child, the person's death shall not preclude the establishment of the
1036 person's parentage of the child if the person otherwise would be a
1037 parent of the child under sections 1 to 86, inclusive, of this act.

1038 (b) If a person who consented in a record to assisted reproduction by
1039 a person who agreed to give birth to a child dies before a transfer of
1040 gametes or embryos, the deceased person is a parent of a child
1041 conceived by the assisted reproduction only if:

1042 (1) The person executed a written document that: (A) Specifically set
1043 forth that the person's gametes may be used for posthumous conception
1044 of a child, (B) specifically provided the person who agreed to give birth
1045 with authority to exercise custody, control and use of the gametes in the
1046 event of the person's death, and (C) was signed and dated by the person
1047 and the person who agreed to give birth; and

1048 (2) The embryo is in utero not later than one year after the date of the
1049 person's death.

1050 Sec. 59. (NEW) (*Effective January 1, 2022*) (a) A party consenting to
1051 assisted reproduction, a person who is a parent pursuant to sections 53
1052 to 55, inclusive, of this act, an intended parent or parents or the person
1053 giving birth may commence a proceeding to obtain an order:

1054 (1) Declaring that the intended parent or parents are the parent or
1055 parents of the resulting child immediately upon birth of the child and
1056 ordering that parental rights and responsibilities vest exclusively in the
1057 intended parent or parents immediately upon the birth of the child; and

1058 (2) Designating the contents of the birth certificate and directing the
1059 Department of Public Health to designate the intended parent or parents
1060 as the parent or parents of the resulting child.

1061 (b) A proceeding under this section may be commenced before or
1062 after the date of birth of the child, though an order issued before the
1063 birth of the resulting child does not take effect unless and until the birth
1064 of the resulting child. Nothing in this subsection shall be construed to
1065 limit the court's authority to issue other orders under any other
1066 provision of the general statutes.

1067 (c) Neither the state nor the Department of Public Health shall be a
1068 necessary party to a proceeding under this section.

1069 Sec. 60. (NEW) (*Effective January 1, 2022*) As used in sections 60 to 77,
1070 inclusive, of this act:

1071 (1) "Genetic surrogate" means a person who is not an intended parent
1072 and who agrees to become pregnant through assisted reproduction
1073 using that person's own gamete, under a genetic surrogacy agreement
1074 as provided in sections 60 to 77, inclusive, of this act.

1075 (2) "Gestational surrogate" means a person who is not an intended
1076 parent and who agrees to become pregnant through assisted
1077 reproduction using gametes that are not that person's own, under a
1078 gestational surrogacy agreement as provided in sections 60 to 77,
1079 inclusive, of this act.

1080 (3) "Surrogacy agreement" means an agreement between one or more
1081 intended parents and a person who is not an intended parent in which
1082 such person agrees to become pregnant through assisted reproduction
1083 and which provides that each intended parent is a parent of a child
1084 conceived under the agreement. Unless the context otherwise requires,
1085 "surrogacy agreement" includes an agreement with a person acting as a
1086 gestational surrogate and an agreement with a person acting as a genetic
1087 surrogate.

1088 Sec. 61. (NEW) (*Effective January 1, 2022*) (a) To execute an agreement
1089 to act as a gestational or genetic surrogate, a person shall:

1090 (1) Have attained twenty-one years of age;

1091 (2) Have previously given birth to at least one child;

1092 (3) Complete a medical evaluation related to the surrogacy
1093 arrangement by a licensed physician;

1094 (4) Complete a mental health evaluation by a licensed mental health
1095 professional;

1096 (5) Have independent legal representation of the surrogate's choice
1097 throughout the surrogacy agreement regarding the terms of the
1098 surrogacy agreement and the potential legal consequences of the
1099 agreement; and

1100 (6) Have or obtain a health insurance policy or other coverage for
1101 major medical treatment and hospitalization and such policy or other
1102 coverage shall be for a term that extends throughout the duration of the
1103 expected pregnancy and for eight weeks after the birth of the resulting
1104 child.

1105 (b) To execute a surrogacy agreement, each intended parent, whether
1106 or not genetically related to the child, shall:

1107 (1) Have attained twenty-one years of age;

1108 (2) Complete a mental health evaluation by a licensed mental health

1109 professional; and

1110 (3) Have independent legal representation of the intended parent's
1111 choice throughout the surrogacy agreement regarding the terms of the
1112 surrogacy agreement and the potential legal consequences of the
1113 agreement.

1114 Sec. 62. (NEW) (*Effective January 1, 2022*) A surrogacy agreement shall
1115 be executed in compliance with the following rules:

1116 (1) Not less than one party shall be a resident of this state.

1117 (2) The person acting as surrogate and each intended parent shall
1118 meet the requirements of section 61 of this act.

1119 (3) Each intended parent, the person acting as surrogate and the
1120 spouse, if any, of the person acting as the surrogate shall be parties to
1121 the agreement. If an intended parent is married, the intended parent's
1122 spouse shall also be an intended parent and a party to the agreement,
1123 unless the intended parent and the spouse are legally separated.

1124 (4) The agreement shall be in writing and signed by each party set
1125 forth in subdivision (3) of this section.

1126 (5) The person acting as surrogate and each intended parent shall
1127 acknowledge in writing their receipt of a copy of the agreement.

1128 (6) The signature of each party to the agreement shall be attested by
1129 a notarial officer or otherwise acknowledged and witnessed by two
1130 disinterested adults.

1131 (7) The person acting as surrogate and, if married, the spouse of the
1132 person acting as surrogate and the intended parent or parents shall have
1133 independent legal representation throughout the surrogacy agreement
1134 regarding the terms of the surrogacy agreement and the potential legal
1135 consequences of the agreement, and each counsel shall be identified in
1136 the surrogacy agreement. A single attorney for the person acting as
1137 surrogate and the person's spouse, if married, and a single attorney for

1138 the intended parents is sufficient to meet this requirement, provided the
1139 representation otherwise conforms to the Rules of Professional
1140 Conduct.

1141 (8) The intended parent or parents shall pay for independent legal
1142 representation for the person acting as surrogate and the person's
1143 spouse, if any.

1144 (9) If the agreement provides for the payment of compensation to the
1145 person acting as surrogate, the compensation shall be placed in an
1146 escrow account prior to the commencement of any medical procedure,
1147 other than medical and mental health evaluations required by section
1148 61 of this act.

1149 (10) The agreement shall be executed before a medical procedure
1150 occurs related to the surrogacy agreement, other than the medical and
1151 mental health evaluations required by section 61 of this act.

1152 Sec. 63. (NEW) (*Effective January 1, 2022*) (a) A surrogacy agreement
1153 shall comply with the following requirements:

1154 (1) A person acting as surrogate agrees to attempt to become
1155 pregnant by means of assisted reproduction.

1156 (2) Except as provided in sections 70, 74 and 75 of this act, the person
1157 acting as surrogate and the spouse or former spouse, if any, of the
1158 person acting as surrogate have no claim to parentage of a child
1159 conceived by assisted reproduction under the surrogacy agreement.

1160 (3) The spouse, if any, of the person acting as surrogate shall
1161 acknowledge and agree to comply with the obligations imposed on the
1162 surrogate by the surrogacy agreement.

1163 (4) Except as provided in sections 68, 71, 74 and 75 of this act, the
1164 intended parent or, if there are two intended parents, each one jointly
1165 and severally, immediately upon birth of the child shall be the exclusive
1166 parent or parents of the resulting child, regardless of the number of
1167 children born or the gender or mental or physical condition of each

1168 child.

1169 (5) Except as provided in sections 68, 71, 74 and 75 of this act, the
1170 intended parent or, if there are two intended parents, each parent jointly
1171 and severally, immediately upon birth of the resulting child shall
1172 assume responsibility for the financial support of the child, regardless
1173 of the number of children born or the gender or the mental or physical
1174 condition of each child.

1175 (6) The surrogacy agreement shall provide for payment by the
1176 intended parent or parents of reasonable legal, medical and ancillary
1177 expenses, including: (A) Premiums for a health insurance policy that
1178 covers medical treatment and hospitalization for the person acting as
1179 surrogate unless otherwise mutually agreed upon by the parties,
1180 pursuant to the terms of the surrogacy agreement; (B) payment of all
1181 uncovered medical expenses; (C) payment of legal fees for the legal
1182 representation of the person acting as surrogate; (D) payment of life
1183 insurance premiums; and (E) any other reasonable financial
1184 arrangements mutually agreed upon by the parties, including any
1185 applicable reimbursement and compensation schedule, pursuant to the
1186 terms of the surrogacy agreement.

1187 (7) The intended parent or parents are liable for the surrogacy-related
1188 expenses of the person acting as surrogate, including expenses for
1189 health care provided for assisted reproduction, prenatal care, labor and
1190 delivery and for the medical expenses of the resulting child that are not
1191 paid by insurance. This subdivision shall not be construed to supplant
1192 any health insurance coverage that is otherwise available to the person
1193 acting as surrogate or an intended parent for the coverage of health care
1194 costs. This subdivision shall not change the health insurance coverage
1195 of the person acting as surrogate or the responsibility of the insurance
1196 company to pay benefits under a policy that covers a person acting as
1197 surrogate.

1198 (8) The surrogacy agreement shall not infringe on the rights of the
1199 person acting as surrogate to make all health and welfare decisions
1200 regarding the person, the person's body and the person's pregnancy

1201 throughout the duration of the surrogacy arrangement, including
1202 during attempts to become pregnant, pregnancy, delivery and post-
1203 partum. The surrogacy agreement shall not infringe upon the right of
1204 the person acting as surrogate to autonomy in medical decision making
1205 by, including, but not limited to, requiring the person acting as
1206 surrogate to undergo a scheduled, nonmedically indicated caesarean
1207 section or to undergo multiple embryo transfer. Except as otherwise
1208 provided by law, any written or oral agreement purporting to waive or
1209 limit the rights described in this subdivision are void as against public
1210 policy.

1211 (9) The surrogacy agreement shall include information about each
1212 party's right under sections 60 to 77, inclusive, of this act to terminate
1213 the surrogacy agreement.

1214 (b) A surrogacy agreement may provide for: (1) The intended parent
1215 or parents to pay reasonable compensation to the person acting as
1216 surrogate; and (2) the intended parent or parents to pay for or reimburse
1217 reasonable expenses, including, but not limited to, medical, legal or
1218 other professional or necessary expenses related to the surrogacy
1219 agreement, including reimbursement of specific expenses if the
1220 agreement is terminated under sections 60 to 77, inclusive, of this act.

1221 (c) A right created under a surrogacy agreement is not assignable and
1222 there is no third-party beneficiary of the agreement other than the
1223 resulting child.

1224 Sec. 64. (NEW) (*Effective January 1, 2022*) Unless a surrogacy
1225 agreement expressly otherwise provides:

1226 (1) (A) The marriage of a person acting as surrogate after the
1227 surrogacy agreement is signed by all parties shall not affect the validity
1228 of the surrogacy agreement, (B) the consent of the spouse of the person
1229 acting as surrogate is not required, and (C) the spouse of the person
1230 acting as surrogate is not a presumed parent of a child conceived by
1231 assisted reproduction under the surrogacy agreement; and

1232 (2) The divorce, dissolution, annulment, declaration of invalidity,
1233 legal separation or separate maintenance of the person acting as
1234 surrogate after the surrogacy agreement is signed by all parties shall not
1235 affect the validity of the surrogacy agreement.

1236 Sec. 65. (NEW) (*Effective January 1, 2022*) Unless a surrogacy
1237 agreement expressly otherwise provides:

1238 (1) (A) The marriage of an intended parent after the agreement is
1239 signed by all parties shall not affect the validity of a surrogacy
1240 agreement, (B) the consent of the spouse of the intended parent is not
1241 required, and (C) the spouse of the intended parent is not, based on the
1242 surrogacy agreement, a parent of a child conceived by assisted
1243 reproduction under the surrogacy agreement; and

1244 (2) The divorce, dissolution, annulment, declaration of invalidity,
1245 legal separation or separate maintenance of an intended parent after the
1246 surrogacy agreement is signed by all parties shall not affect the validity
1247 of the surrogacy agreement and the intended parents are the parents of
1248 the child.

1249 Sec. 66. (NEW) (*Effective January 1, 2022*) During the period after the
1250 date of execution of a surrogacy agreement until the occurrence of the
1251 earlier of the date of termination of a surrogacy agreement pursuant to
1252 the agreement terms, or ninety days after the date of birth of a child
1253 conceived by assisted reproduction under the surrogacy agreement, a
1254 court of this state conducting a proceeding under sections 1 to 86,
1255 inclusive, of this act has exclusive, continuing jurisdiction over all
1256 matters arising out of the agreement. The provisions of this section do
1257 not give the court jurisdiction over a child custody proceeding or a child
1258 support proceeding if jurisdiction is not otherwise authorized by the law
1259 of this state other than the provisions of sections 1 to 86, inclusive, of
1260 this act.

1261 Sec. 67. (NEW) (*Effective January 1, 2022*) (a) A party to a gestational
1262 surrogacy agreement may terminate such agreement, at any time before
1263 an embryo transfer, by giving notice of termination in a record to all

1264 other parties. If an embryo transfer shall not result in a pregnancy, a
1265 party may terminate such agreement at any time before a subsequent
1266 embryo transfer, provided no party may terminate the agreement after
1267 an embryo transfer but prior to a pregnancy test at a time to be
1268 determined by a qualified healthcare provider.

1269 (b) Unless a gestational surrogacy agreement provides otherwise, on
1270 termination of such agreement under subsection (a) of this section, the
1271 parties are released from the agreement, except that each intended
1272 parent remains responsible for expenses that are reimbursable under the
1273 agreement and incurred by the person acting as gestational surrogate
1274 through the date of termination of the agreement.

1275 (c) Except in a case involving fraud, neither a person acting as
1276 gestational surrogate nor the spouse or former spouse of the person
1277 acting as surrogate, if any, is liable to the intended parent or parents for
1278 a penalty, including any costs incurred by intended parents, if any, for
1279 medical and psychological screening, or liquidated damages, for
1280 terminating a gestational surrogacy agreement under this section.

1281 Sec. 68. (NEW) (*Effective January 1, 2022*) (a) Except as provided in
1282 subsection (c) of this section, subsection (b) of section 69 of this act or
1283 section 71 of this act, upon birth of a child conceived by assisted
1284 reproduction under a gestational surrogacy agreement, each intended
1285 parent is, by operation of law, a parent of the resulting child.

1286 (b) Except as otherwise provided in subsection (c) of this section or
1287 section 71 of this act, neither a person acting as gestational surrogate nor
1288 the spouse or former spouse of the person acting as surrogate, if any, is
1289 a parent of the resulting child.

1290 (c) If a resulting child is alleged to be a genetic child of the person
1291 who agreed to be a gestational surrogate, the court shall, upon finding
1292 sufficient evidence, order genetic testing of the child, the cost of which
1293 shall be covered by the intended parent or parents. If the resulting child
1294 is a genetic child of the person who agreed to be a gestational surrogate,
1295 parentage shall be determined in accordance with the provisions of

1296 sections 1 to 50, inclusive, of this act.

1297 (d) Except as provided in subsection (c) of this section, subsection (b)
1298 of section 69 of this act or section 71 of this act, if, due to a clinical or
1299 laboratory error, a child conceived by assisted reproduction under a
1300 gestational surrogacy agreement is not genetically related to an
1301 intended parent or a donor who donated to the intended parent or
1302 parents, each intended parent, and not the gestational surrogate and the
1303 spouse or former spouse of the person acting as surrogate, if any, is a
1304 parent of the resulting child.

1305 Sec. 69. (NEW) (*Effective January 1, 2022*) (a) The provisions of section
1306 68 of this act shall apply to an intended parent even if the intended
1307 parent died during the period between the transfer of a gamete or
1308 embryo and the birth of the resulting child.

1309 (b) Except as provided in section 71 of this act, an intended parent is
1310 not a parent of a child conceived by assisted reproduction under a
1311 gestational surrogacy agreement if the intended parent dies before the
1312 transfer of a gamete or embryo unless:

1313 (1) The person executed a written document, which may include the
1314 surrogacy agreement, that: (A) Specifically set forth that the person's
1315 gametes may be used for posthumous conception of a child, (B)
1316 specifically provided the other intended parent with authority to
1317 exercise custody, control and use of the gametes in the event of the
1318 person's death, and (C) was signed and dated by the person and the
1319 other intended parent; and

1320 (2) The embryo is in utero not later than one year after the date of the
1321 person's death.

1322 Sec. 70. (NEW) (*Effective January 1, 2022*) (a) Except as provided in
1323 subsection (c) of section 68 of this act or section 71 of this act, a party to
1324 a gestational surrogacy agreement may initiate a proceeding for a
1325 judgment of parentage of a child conceived pursuant to the agreement
1326 at any time after the agreement has been executed by all of the parties.

1327 (b) The petition for a judgment of parentage shall include: (1)
1328 Certification from the attorney representing the intended parent or
1329 parents and the attorney representing the person acting as surrogate
1330 that the requirements of sections 61 to 63, inclusive, of this act have been
1331 met; and (2) a statement from all parties to the surrogacy agreement that
1332 they entered into the surrogacy agreement knowingly and voluntarily.
1333 The petition, including the certification and statement required by
1334 subdivisions (1) and (2) of this subsection, shall be submitted under
1335 penalty of false statement.

1336 (c) Neither the state nor the Department of Public Health, nor the
1337 hospital where delivery is expected to occur or does occur, is a necessary
1338 party to a proceeding under subsection (a) of this section.

1339 (d) Service of process may be waived if each party consents to waiver
1340 of service of process.

1341 (e) Upon a finding that the petition satisfies subsection (b) of this
1342 section, the court shall issue a judgment: (1) Declaring, that upon the
1343 birth of the child born during the term of the surrogacy agreement, any
1344 intended parent is a parent of the child and ordering that parental rights,
1345 duties and custody vest immediately on the birth of the child exclusively
1346 in any intended parent; (2) Declaring, that upon the birth of the child
1347 born during the term of the surrogacy agreement, the person acting as
1348 gestational surrogate and the spouse or former spouse of the person
1349 acting as surrogate, if any, are not the parents of the child; (3) Declaring
1350 that the intended parent or parents have responsibility for the
1351 maintenance and support of the child immediately upon the birth of the
1352 child; (4) Designating the contents of the certificate of birth in
1353 accordance with subsection (b) of section 7-48a of the general statutes,
1354 as amended by this act, and directing the Department of Public Health
1355 to designate any intended parent as a parent of the child; and (5) If
1356 necessary, ordering that the child be surrendered to the intended parent
1357 or parents. The court may issue an order or judgment under this
1358 subsection before or after the date of birth of the child. The court shall
1359 stay enforcement of the order or judgment until the birth of the child.

1360 Nothing in this subsection shall be construed to limit the court's
1361 authority to issue other orders under any other provision of the general
1362 statutes.

1363 (f) In the event the certification required by subdivision (1) of
1364 subsection (b) of this section cannot be made because of a technical or
1365 nonmaterial deviation from the requirements of sections 61 to 63,
1366 inclusive, of this act, the court may nevertheless enforce the agreement
1367 and issue a judgment of parentage if the court determines the agreement
1368 is in substantial compliance with the requirements of said sections.

1369 (g) An order under subsection (e) or (f) of this section shall be
1370 sufficient to satisfy the requirements in section 7-48a of the general
1371 statutes, as amended by this act, governing birth certificates.

1372 Sec. 71. (NEW) (*Effective January 1, 2022*) (a) A gestational surrogacy
1373 agreement that complies with sections 61 to 63, inclusive, of this act is
1374 enforceable.

1375 (b) If a child was conceived by assisted reproduction under a
1376 gestational surrogacy agreement that shall not comply with sections 61
1377 to 63, inclusive, of this act, the court shall determine the rights and
1378 duties of the parties to the agreement, taking into account evidence of
1379 the intent of the parties at the time of execution of the agreement. Each
1380 party to the agreement and any person who at the time of the execution
1381 of the agreement was a spouse of a party to the agreement has standing
1382 to maintain a proceeding to adjudicate an issue related to the
1383 enforcement of the agreement.

1384 (c) Except as expressly provided in a gestational surrogacy agreement
1385 or subsection (d) or (e) of this section, if the agreement is breached by
1386 the person acting as gestational surrogate or one or more intended
1387 parents, the nonbreaching party is entitled to the remedies available at
1388 law or in equity.

1389 (d) Specific performance is not a remedy available for breach by a
1390 person acting as gestational surrogate of a provision in the agreement

1391 that the person acting as gestational surrogate be impregnated,
1392 terminate or not terminate a pregnancy, or submit to medical
1393 procedures.

1394 (e) Except as provided in subsection (d) of this section, if an intended
1395 parent is determined to be a parent of the resulting child, specific
1396 performance is a remedy available for:

1397 (1) Breach of the agreement by a person acting as gestational
1398 surrogate that prevents the intended parent from exercising
1399 immediately upon birth of the child the full rights of parentage; or

1400 (2) Breach by the intended parent that prevents the intended parent's
1401 acceptance, immediately upon birth of the child conceived by assisted
1402 reproduction under the agreement, of the duties of parentage.

1403 Sec. 72. (NEW) (*Effective January 1, 2022*) (a) Except as otherwise
1404 provided in section 75 of this act, a genetic surrogacy agreement shall
1405 be validated by a Probate Court. A proceeding to validate the agreement
1406 shall be commenced before the assisted reproduction related to the
1407 surrogacy agreement.

1408 (b) Upon examination of the parties, the court shall issue an order
1409 validating a genetic surrogacy agreement if the court finds that:

1410 (1) Sections 61 to 63, inclusive, of this act are satisfied; and

1411 (2) All parties entered into the agreement voluntarily and understand
1412 its terms.

1413 (c) A person who terminates a genetic surrogacy agreement under
1414 section 73 of this act shall file notice of the termination with the court.
1415 On receipt of the notice, the court shall vacate any order issued under
1416 subsection (b) of this section. A person who shall not notify the court of
1417 the termination of the agreement shall be subject to sanctions.

1418 Sec. 73. (NEW) (*Effective January 1, 2022*) (a) A party to a genetic
1419 surrogacy agreement may terminate the agreement as follows:

1420 (1) An intended parent or person acting as genetic surrogate who is a
1421 party to the agreement may terminate the agreement at any time before
1422 a gamete or embryo transfer by giving notice of termination in a record
1423 to all other parties. If a gamete or embryo transfer does not result in a
1424 pregnancy, a party may terminate the agreement at any time before a
1425 subsequent gamete or embryo transfer, provided no party may
1426 terminate the agreement after a gamete or embryo transfer but prior to
1427 a pregnancy test at a time to be determined by a qualified healthcare
1428 provider. The notice of termination shall be attested by a notarial officer
1429 or witnessed.

1430 (2) Upon sending the notice of termination, the sending party or
1431 parties to the genetic surrogacy agreement shall not undertake any
1432 medical procedure contemplated under the terms of the agreement.
1433 Upon receiving the notice of termination, the receiving party or parties
1434 to the genetic surrogacy agreement shall not undertake any medical
1435 procedure contemplated under the terms of the agreement.

1436 (3) An intended parent or person acting as genetic surrogate who
1437 terminates the agreement after the court issues an order validating the
1438 agreement under section 72 or 75 of this act, but before the person acting
1439 as genetic surrogate becomes pregnant by means of assisted
1440 reproduction, shall also file notice of the termination with such court.

1441 (b) On termination of the genetic surrogacy agreement, the parties are
1442 released from all obligations under the agreement, except that any
1443 intended parent remains responsible for all expenses incurred by the
1444 person acting as genetic surrogate through the date of termination of the
1445 agreement that are reimbursable under the agreement. Unless the
1446 agreement provides otherwise, the person acting as surrogate is not
1447 entitled to any nonexpense-related compensation paid for serving as a
1448 surrogate.

1449 (c) Except in a case involving fraud, neither a person acting as genetic
1450 surrogate nor the spouse or former spouse of the person acting as
1451 surrogate, if any, is liable to the intended parent or parents for a penalty
1452 or liquidated damages, for terminating a genetic surrogacy agreement

1453 under this section.

1454 Sec. 74. (NEW) (*Effective January 1, 2022*) (a) Upon birth of a child
1455 conceived by assisted reproduction under a genetic surrogacy
1456 agreement validated under section 72 or 75 of this act, each intended
1457 parent is, by operation of law, a parent of the resulting child.

1458 (b) Upon birth of a child conceived by assisted reproduction under a
1459 genetic surrogacy agreement validated under section 72 or 75 of this act,
1460 the intended parent or parents shall file a notice with the court that
1461 validated the agreement under section 72 or 75 that a child has been
1462 born as a result of assisted reproduction. Upon receiving such notice,
1463 the court shall immediately, or as soon as practicable, issue an order
1464 without notice and hearing: (1) Declaring that any intended parent or
1465 parents is a parent of a child conceived by assisted reproduction under
1466 the agreement and ordering that parental rights and duties vest
1467 exclusively in any intended parent or parents; (2) Declaring that the
1468 person acting as genetic surrogate and the spouse or former spouse of
1469 the person acting as surrogate, if any, are not parents of the resulting
1470 child; (3) Declaring that the intended parent or parents have
1471 responsibility for the maintenance and support of the child immediately
1472 upon the birth of the child; (4) Designating the contents of the certificate
1473 of birth in accordance with subsection (b) of section 7-48a of the general
1474 statutes, as amended by this act, and directing the Department of Public
1475 Health to designate any intended parent as a parent of the child; and (5)
1476 If necessary, ordering that the child be surrendered to the intended
1477 parent or parents. Nothing in this subsection shall be construed to limit
1478 the court's authority to issue other orders under any other provision of
1479 the general statutes.

1480 (c) If a child born to a person acting as genetic surrogate is alleged not
1481 to have been conceived by assisted reproduction, the court may, upon
1482 sufficient findings, order genetic testing to determine the genetic
1483 parentage of the child, and shall designate which party shall pay for
1484 such testing. If the child was not conceived by assisted reproduction,
1485 parentage shall be determined in accordance with the provisions of

1486 sections 1 to 50, inclusive, of this this act. Unless the genetic surrogacy
1487 agreement provides otherwise, if the child was not conceived by
1488 assisted reproduction the person acting as surrogate is not entitled to
1489 any nonexpense-related compensation paid for serving as a surrogate.

1490 (d) If an intended parent fails to file the notice required under
1491 subsection (b) of this section, the person acting as genetic surrogate may
1492 file with the court, not later than sixty days after the date of birth of a
1493 child conceived by assisted reproduction under the agreement, notice
1494 that the child has been born to the person acting as genetic surrogate.
1495 On proof of a court order issued under section 72 or 75 of this act
1496 validating the agreement, the court shall order that each intended
1497 parent is a parent of the child.

1498 Sec. 75. (NEW) (*Effective January 1, 2022*) (a) A genetic surrogacy
1499 agreement, whether or not in a record, that is not validated under
1500 section 72 of this act is enforceable only to the extent provided in this
1501 section and section 77 of this act.

1502 (b) If all parties agree, a court may validate a genetic surrogacy
1503 agreement after assisted reproduction has occurred but before the date
1504 of birth of a child conceived by assisted reproduction under the
1505 agreement if, upon examination of the parties, the court finds that:

1506 (1) Sections 61 to 63, inclusive, of this act are satisfied; and

1507 (2) All parties entered into the agreement voluntarily and understand
1508 its terms.

1509 (c) A person who terminates a genetic surrogacy agreement under
1510 section 73 of this act shall file notice of the termination with the court,
1511 provided that a person may not terminate a genetic surrogacy
1512 agreement validated under this section if a gamete or embryo transfer
1513 has resulted in a pregnancy. On receipt of the notice, the court shall
1514 vacate any order issued under subsection (b) of this section. A person
1515 who shall not notify the court of the termination of the agreement shall
1516 be subject to sanctions.

1517 (d) If a child conceived by assisted reproduction under a genetic
1518 surrogacy agreement that is not validated under section 72 of this act or
1519 subsection (b) of this section is born, the person acting as genetic
1520 surrogate is not automatically a parent and the court shall adjudicate
1521 parentage of the child based on the best interest of the child, taking into
1522 account the factors set forth in subsection (a) of section 23 of this act and
1523 the intent of the parties at the time of the execution of the agreement.

1524 (e) The parties to a genetic surrogacy agreement have standing to
1525 maintain a proceeding to adjudicate parentage under this section.

1526 Sec. 76. (NEW) (*Effective January 1, 2022*) (a) Except as provided in
1527 section 74 or 75 of this act, upon birth of a child conceived by assisted
1528 reproduction under a genetic surrogacy agreement, each intended
1529 parent is, by operation of law, a parent of the child whether the
1530 surviving parent is the genetic parent of the child conceived, or not,
1531 notwithstanding the death of an intended parent during the period
1532 between the transfer of a gamete or embryo and the birth of the child.

1533 (b) Except as provided in section 74 or 75 of this act, an intended
1534 parent is not a parent of a child conceived by assisted reproduction
1535 under a genetic surrogacy agreement if the intended parent dies before
1536 the transfer of a gamete or embryo unless:

1537 (1) The person executed a written document, which may include the
1538 surrogacy agreement, that: (A) Specifically set forth that the person's
1539 gametes may be used for posthumous conception of a child, (B)
1540 specifically provided the other intended parent with authority to
1541 exercise custody, control and use of the gametes in the event of the
1542 person's death, and (C) was signed and dated by the person and the
1543 other intended parent; and

1544 (2) The embryo is in utero not later than one year after the date of the
1545 person's death.

1546 Sec. 77. (NEW) (*Effective January 1, 2022*) (a) Subject to subsection (b)
1547 of section 73 of this act, if a genetic surrogacy agreement is breached by

1548 a person acting as genetic surrogate or one or more intended parents,
1549 the nonbreaching party is entitled to the remedies available at law or in
1550 equity.

1551 (b) Specific performance is not a remedy available for breach by a
1552 person acting as genetic surrogate of a requirement of a validated or
1553 nonvalidated genetic surrogacy agreement that the person acting as
1554 surrogate be impregnated, terminate or not terminate a pregnancy or
1555 submit to medical procedures.

1556 (c) Except as provided in subsection (b) of this section, specific
1557 performance is a remedy available for:

1558 (1) Breach of a validated genetic surrogacy agreement by a person
1559 acting as genetic surrogate that prevents the intended parent from
1560 exercising, immediately upon birth of the child, the full rights of
1561 parentage; or

1562 (2) Breach by an intended parent that prevents the intended parent's
1563 acceptance, immediately upon birth of the child conceived by assisted
1564 reproduction under the agreement, of the duties of parentage.

1565 Sec. 78. (NEW) (*Effective January 1, 2022*) As used in sections 78 to 83,
1566 inclusive, of this act:

1567 (1) "Identifying information" means: (A) The full name of a donor; (B)
1568 the date of birth of the donor; and (C) the permanent and, if different,
1569 current address of the donor at the time of the donation.

1570 (2) "Medical history" means information regarding any: (A) Present
1571 illness of a donor; (B) past illness of the donor; and (C) social, genetic
1572 and family history pertaining to the health of the donor.

1573 Sec. 79. (NEW) (*Effective January 1, 2022*) (a) The provisions of sections
1574 78 to 83, inclusive, of this act apply only to gametes collected on or after
1575 January 1, 2022.

1576 (b) The provisions of this section do not apply to gametes collected

1577 from a donor whose identity is known to the recipient of the gametes at
1578 the time of the donation.

1579 Sec. 80. (NEW) (*Effective January 1, 2022*) (a) A gamete bank or fertility
1580 clinic operating in this state shall collect from a donor the donor's
1581 identifying information and medical history at the time of the donation.

1582 (b) A gamete bank or fertility clinic operating in this state that
1583 receives the gametes of a donor collected by another gamete bank or
1584 fertility clinic shall collect the name, address, telephone number and
1585 electronic mail address of the gamete bank or fertility clinic from which
1586 it receives the gametes.

1587 (c) A gamete bank or fertility clinic operating in this state shall
1588 disclose the information collected under subsections (a) and (b) of this
1589 section as provided under section 82 of this act.

1590 Sec. 81. (NEW) (*Effective January 1, 2022*) (a) A gamete bank or fertility
1591 clinic operating in this state that collects gametes from a donor shall: (1)
1592 Provide the donor with information in a record about the donor's choice
1593 regarding identity disclosure; and (2) obtain a declaration from the
1594 donor regarding identity disclosure.

1595 (b) A gamete bank or fertility clinic operating in this state shall give a
1596 donor the choice to sign a declaration, attested by a notarial officer or
1597 witnessed, that either: (1) States that the donor agrees to disclose the
1598 donor's identity to a child conceived by assisted reproduction with the
1599 donor's gametes on request once the child attains eighteen years of age;
1600 or (2) states that the donor shall not agree presently to disclose the
1601 donor's identity to the child.

1602 (c) A gamete bank or fertility clinic operating in this state shall permit
1603 a donor who has signed a declaration under subdivision (2) of
1604 subsection (b) of this section to withdraw the declaration at any time by
1605 signing a declaration under subdivision (1) of subsection (b) of this
1606 section.

1607 Sec. 82. (NEW) (*Effective January 1, 2022*) (a) On request of a child

1608 conceived by assisted reproduction who attains eighteen years of age, a
1609 gamete bank or fertility clinic operating in this state that collected the
1610 gametes used in the assisted reproduction shall make a good faith effort
1611 to provide the child with identifying information of the donor who
1612 provided the gametes, unless the donor signed and did not withdraw a
1613 declaration under subdivision (2) of subsection (b) of section 81 of this
1614 act. If the donor signed and did not withdraw the declaration, the
1615 gamete bank or fertility clinic shall make a good faith effort to notify the
1616 donor, who may elect under subsection (c) of section 81 of this act to
1617 withdraw the donor's declaration.

1618 (b) Irrespective of whether a donor signed a declaration under
1619 subdivision (2) of subsection (b) of section 81 of this act, on request by a
1620 child conceived by assisted reproduction who attains eighteen years of
1621 age, or, if the child is a minor, by a parent or guardian of the child, a
1622 gamete bank or fertility clinic operating in this state that collected the
1623 gametes used in the assisted reproduction shall make a good faith effort
1624 to provide the child or, if the child is a minor, the parent or guardian of
1625 the child, access to nonidentifying medical history of the donor.

1626 (c) On request of a child conceived by assisted reproduction who
1627 attains eighteen years of age, a gamete bank or fertility clinic operating
1628 in this state that received the gametes used in the assisted reproduction
1629 from another gamete bank or fertility clinic shall disclose the name,
1630 address, telephone number and electronic mail address of the gamete
1631 bank or fertility clinic from which it received the gametes.

1632 Sec. 83. (NEW) (*Effective January 1, 2022*) (a) A gamete bank or fertility
1633 clinic operating in this state that collects gametes for use in assisted
1634 reproduction shall maintain identifying information and medical
1635 history about each gamete donor. The gamete bank or fertility clinic
1636 shall maintain records of gamete screening and testing and comply with
1637 reporting requirements, in accordance with federal law and applicable
1638 law of this state other than the provisions of sections 1 to 86, inclusive,
1639 of this act.

1640 (b) A gamete bank or fertility clinic operating in this state that

1641 receives gametes from another gamete bank or fertility clinic operating
1642 in this state shall maintain the name, address, telephone number and
1643 electronic mail address of the gamete bank or fertility clinic from which
1644 it received the gametes.

1645 Sec. 84. (NEW) (*Effective January 1, 2022*) In applying and construing
1646 the provisions of sections 1 to 86, inclusive, of this act, consideration
1647 shall be given to the need to promote uniformity of the law with respect
1648 to its subject matter among states that enact it.

1649 Sec. 85. (NEW) (*Effective January 1, 2022*) Sections 1 to 86, inclusive, of
1650 this act modify, limit or supersede the Electronic Signatures in Global
1651 and National Commerce Act, 15 USC 7001 et seq., but do not modify,
1652 limit or supersede 15 USC 7001(c), or authorize electronic delivery of
1653 any of the notices described in 15 USC 7003(b).

1654 Sec. 86. (NEW) (*Effective January 1, 2022*) Sections 1 to 86, inclusive, of
1655 this act apply to a proceeding in which no judgment has entered before
1656 January 1, 2022, with respect to a person's parentage that has not already
1657 been adjudicated by a court of competent jurisdiction or determined by
1658 operation of law.

1659 Sec. 87. Section 7-36 of the general statutes is repealed and the
1660 following is substituted in lieu thereof (*Effective January 1, 2022*):

1661 As used in this chapter and sections 19a-40 to 19a-45, inclusive, unless
1662 the context otherwise requires:

1663 (1) "Registrar of vital statistics" or "registrar" means the registrar of
1664 births, marriages, deaths and fetal deaths or any public official charged
1665 with the care of returns relating to vital statistics;

1666 (2) "Registration" means the process by which vital records are
1667 completed, filed and incorporated into the official records of the
1668 department;

1669 (3) "Institution" means any public or private facility that provides
1670 inpatient medical, surgical or diagnostic care or treatment, or nursing,

1671 custodial or domiciliary care, or to which persons are committed by law;

1672 (4) "Vital records" means a certificate of birth, death, fetal death or
1673 marriage;

1674 (5) "Certified copy" means a copy of a birth, death, fetal death or
1675 marriage certificate that (A) includes all information on the certificate
1676 except such information that is nondisclosable by law, (B) is issued or
1677 transmitted by any registrar of vital statistics, (C) includes an attested
1678 signature and the raised seal of an authorized person, and (D) if
1679 submitted to the department, includes all information required by the
1680 commissioner;

1681 (6) "Uncertified copy" means a copy of a birth, death, fetal death or
1682 marriage certificate that includes all information contained in a certified
1683 copy except an original attested signature and a raised seal of an
1684 authorized person;

1685 (7) "Authenticate" or "authenticated" means to affix to a vital record
1686 in paper format the official seal, or to affix to a vital record in electronic
1687 format the user identification, password, or other means of electronic
1688 identification, as approved by the department, of the creator of the vital
1689 record, or the creator's designee, by which affixing the creator of such
1690 paper or electronic vital record, or the creator's designee, affirms the
1691 integrity of such vital record;

1692 (8) "Attest" means to verify a vital record in accordance with the
1693 provisions of subdivision (5) of this section;

1694 (9) "Correction" means to change or enter new information on a
1695 certificate of birth, marriage, death or fetal death, within one year of the
1696 date of the vital event recorded in such certificate, in order to accurately
1697 reflect the facts existing at the time of the recording of such vital event,
1698 where such changes or entries are to correct errors on such certificate
1699 due to inaccurate or incomplete information provided by the informant
1700 at the time the certificate was prepared, or to correct transcribing,
1701 typographical or clerical errors;

1702 (10) "Amendment" means to (A) change or enter new information on
1703 a certificate of birth, marriage, death or fetal death, more than one year
1704 after the date of the vital event recorded in such certificate, in order to
1705 accurately reflect the facts existing at the time of the recording of the
1706 event, (B) create a replacement certificate of birth for matters pertaining
1707 to parentage and gender change, or (C) reflect a legal name change in
1708 accordance with section 19a-42, as amended by this act, or make a
1709 modification to a cause of death;

1710 (11) "Acknowledgment of paternity" means to legally acknowledge
1711 paternity of a child pursuant to section 46b-172, as amended by this act;

1712 (12) "Adjudication of paternity" means to legally establish paternity
1713 through an order of a court of competent jurisdiction;

1714 (13) "Parentage" includes matters relating to adoption, [gestational]
1715 surrogacy agreements, paternity and maternity;

1716 (14) "Department" means the Department of Public Health;

1717 (15) "Commissioner" means the Commissioner of Public Health or the
1718 commissioner's designee;

1719 [(16) "Gestational agreement" means a written agreement for assisted
1720 reproduction in which a woman agrees to carry a child to birth for an
1721 intended parent or intended parents, which woman contributed no
1722 genetic material to the child and which agreement (A) names each party
1723 to the agreement and indicates each party's respective obligations under
1724 the agreement, (B) is signed by each party to the agreement and the
1725 spouse of each such party, if any, and (C) is witnessed by at least two
1726 disinterested adults and acknowledged in the manner prescribed by
1727 law;]

1728 (16) "Surrogacy agreement" means an agreement between one or
1729 more intended parents and a person who is not an intended parent in
1730 which such person agrees to become pregnant through assisted
1731 reproduction and which provides that each intended parent is a parent
1732 of a child conceived under the agreement. Unless the context otherwise

1733 requires, "surrogacy agreement" includes an agreement with a person
1734 acting as a gestational surrogate and an agreement with a person acting
1735 as a genetic surrogate;

1736 (17) "Intended parent" means a [party to a gestational agreement who
1737 agrees, under the gestational agreement, to be the parent of a child born
1738 to a woman by means of assisted reproduction, regardless of whether
1739 the party has a genetic relationship to the child] person, married or
1740 unmarried, who manifests an intent to be legally bound as a parent of a
1741 child conceived by assisted reproduction;

1742 (18) "Foundling" means (A) a child of unknown parentage, or (B) an
1743 infant voluntarily surrendered pursuant to the provisions of section 17a-
1744 58; and

1745 (19) "Certified homeless youth" means a person who is at least fifteen
1746 years of age but less than eighteen years of age, is not in the physical
1747 custody of a parent or legal guardian, who is a homeless child or youth,
1748 as defined in 42 USC 11434a, as amended from time to time, and who
1749 has been certified as homeless by (A) a school district homeless liaison,
1750 (B) the director of an emergency shelter program funded by the United
1751 States Department of Housing and Urban Development, or the
1752 director's designee, or (C) the director of a runaway or homeless youth
1753 basic center or transitional living program funded by the United States
1754 Department of Health and Human Services, or the director's designee.

1755 Sec. 88. Section 7-48a of the general statutes is repealed and the
1756 following is substituted in lieu thereof (*Effective January 1, 2022*):

1757 (a) Each original certificate of birth shall be filed with the name of the
1758 birth [mother] parent recorded.

1759 (b) If the birth is subject to a [gestational] surrogacy agreement, the
1760 Department of Public Health shall create a replacement certificate of
1761 birth immediately upon: (1) Receipt of a certified copy of an order of a
1762 court of competent jurisdiction [approving a gestational agreement and]
1763 issuing an order of parentage pursuant to such [gestational] surrogacy

1764 agreement, if such order is received by the department after the birth of
1765 the child, or (2) the filing of an original certificate of birth, if such order
1766 is received by the department prior to the birth of the child. The
1767 department shall prepare the replacement certificate of birth for the
1768 child born of the agreement in accordance with such order. The
1769 replacement certificate of birth shall include all information required to
1770 be included in a certificate of birth of this state as of the date of the birth,
1771 except that the intended parent or parents under the [gestational]
1772 surrogacy agreement shall be named as the parent or parents of the
1773 child. When a certified copy of a certificate of birth is requested by an
1774 eligible party, as provided in section 7-51, as amended by this act, for
1775 which a replacement certificate of birth has been created pursuant to this
1776 subsection, a copy of the replacement certificate of birth shall be
1777 provided. The department shall seal the original certificate of birth in
1778 accordance with the provisions of subsection (c) of section 19a-42.

1779 (c) Immediately after a replacement certificate of birth has been
1780 prepared, the department shall transmit an exact copy of such certificate
1781 to the registrar of vital statistics of the town of birth and to any other
1782 registrar as the department deems appropriate. Such registrar shall
1783 proceed in accordance with the provisions of section 19a-42, as amended
1784 by this act.

1785 Sec. 89. Section 7-50 of the general statutes is repealed and the
1786 following is substituted in lieu thereof (*Effective January 1, 2022*):

1787 (a) No certificate of birth shall contain any specific statement that the
1788 child was born [in or out of wedlock or reference to illegitimacy of the
1789 child or to the marital status of the mother] to parents married or
1790 unmarried to each other, except that information on whether the child
1791 was born [in or out of wedlock] to parents married or unmarried to each
1792 other and the marital status of the [mother] person who gave birth shall
1793 be recorded on a confidential portion of the certificate pursuant to
1794 section 7-48. Upon the completion of an acknowledgment of [paternity]
1795 parentage at a hospital, concurrent with the hospital's electronic
1796 transmission of birth data to the department, or at a town in the case of

1797 a home birth, concurrent with the registration of the birth data by the
1798 town, the acknowledgment shall be filed in the [paternity] parentage
1799 registry maintained by the department, as required by section 19a-42a,
1800 as amended by this act, and the name of the [father of a child born out
1801 of wedlock] acknowledged parent shall be entered in or upon the birth
1802 certificate or birth record of such child. All properly completed post
1803 birth acknowledgments or certified adjudications of [paternity]
1804 parentage received by the department shall be filed in the [paternity]
1805 parentage registry maintained by the department, and the name of the
1806 [father of the child born out of wedlock] acknowledged parent shall be
1807 entered in or upon the birth record or certificate of such child by the
1808 department, if there is no [paternity] parentage, other than the person
1809 who gave birth, already recorded on the birth certificate. If [another
1810 father's information is recorded on the certificate, the original father's]
1811 the certificate already contains the information of a parent other than
1812 the person who gave birth, information shall not be removed except
1813 upon receipt by the department of a certified order by a court of
1814 competent jurisdiction in which there is a finding that the individual
1815 recorded on the birth certificate, specifically referenced by name, is not
1816 the child's [father] parent, or a finding that a different individual than
1817 the one recorded, specifically referenced by name, is the child's [father]
1818 parent. The name of the [father] parent on a birth certificate or birth
1819 record shall otherwise be removed or changed only upon the filing of a
1820 rescission in such registry, as provided in section 19a-42a, as amended
1821 by this act. The Social Security number of the father of a nonmarital child
1822 [born out of wedlock] may be entered in or upon the birth certificate or
1823 birth record of such child if such entry is done in accordance with 5 USC
1824 552a. [note.]

1825 (b) The department shall restrict access to and issuance of certified
1826 copies of acknowledgments of paternity and acknowledgments of
1827 parentage as provided in section 19a-42a, as amended by this act.

1828 Sec. 90. Subsection (a) of section 7-51 of the general statutes is
1829 repealed and the following is substituted in lieu thereof (*Effective January*
1830 *1, 2022*):

1831 (a) (1) The department and registrars of vital statistics shall restrict
1832 access to and issuance of a certified copy of birth and fetal death records
1833 and certificates less than one hundred years old, to the following eligible
1834 parties: (A) The person whose birth is recorded, if such person is (i) over
1835 eighteen years of age, (ii) a certified homeless youth, as defined in
1836 section 7-36, as amended by this act, or (iii) a minor emancipated
1837 pursuant to sections 46b-150 to 46b-150e, inclusive; (B) such person's
1838 child, grandchild, spouse, parent, guardian or grandparent; (C) the chief
1839 executive officer of the municipality where the birth or fetal death
1840 occurred, or the chief executive officer's authorized agent; (D) the local
1841 director of health for the town or city where the birth or fetal death
1842 occurred or where the [mother] person who gave birth was a resident at
1843 the time of the birth or fetal death, or the director's authorized agent; (E)
1844 attorneys-at-law representing such person or such person's parent,
1845 guardian, child or surviving spouse; (F) a conservator of the person
1846 appointed for such person; (G) a member of a genealogical society
1847 incorporated or authorized by the Secretary of the State to do business
1848 or conduct affairs in this state; (H) an agent of a state or federal agency
1849 as approved by the department; and (I) a researcher approved by the
1850 department pursuant to section 19a-25.

1851 (2) Except as provided in section 7-53 and section 19a-42a, as
1852 amended by this act, access to confidential files on [paternity] parentage,
1853 adoption, gender change or [gestational] surrogacy agreements, or
1854 information contained within such files, shall not be released to any
1855 party, including the eligible parties listed in subdivision (1) of this
1856 subsection, except upon an order of a court of competent jurisdiction.

1857 Sec. 91. Subsection (a) of section 7-51a of the general statutes is
1858 repealed and the following is substituted in lieu thereof (*Effective January*
1859 *1, 2022*):

1860 (a) Any person eighteen years of age or older may purchase certified
1861 copies of marriage and death records, and certified copies of records of
1862 births or fetal deaths which are at least one hundred years old, in the
1863 custody of any registrar of vital statistics. The department may issue

1864 uncertified copies of death certificates for deaths occurring less than one
1865 hundred years ago, and uncertified copies of birth, marriage, death and
1866 fetal death certificates for births, marriages, deaths and fetal deaths that
1867 occurred at least one hundred years ago, to researchers approved by the
1868 department pursuant to section 19a-25, and to state and federal agencies
1869 approved by the department. During all normal business hours,
1870 members of genealogical societies incorporated or authorized by the
1871 Secretary of the State to do business or conduct affairs in this state shall
1872 (1) have full access to all vital records in the custody of any registrar of
1873 vital statistics, including certificates, ledgers, record books, card files,
1874 indexes and database printouts, except for those records containing
1875 Social Security numbers protected pursuant to 42 USC 405 (c)(2)(C), and
1876 confidential files on adoptions, gender change, [gestational] surrogacy
1877 agreements, [and paternity] and parentage, (2) be permitted to make
1878 notes from such records, (3) be permitted to purchase certified copies of
1879 such records, and (4) be permitted to incorporate statistics derived from
1880 such records in the publications of such genealogical societies. For all
1881 vital records containing Social Security numbers that are protected from
1882 disclosure pursuant to federal law, the Social Security numbers
1883 contained on such records shall be redacted from any certified copy of
1884 such records issued to a genealogist by a registrar of vital statistics.

1885 Sec. 92. Subsection (c) of section 17a-60 of the general statutes is
1886 repealed and the following is substituted in lieu thereof (*Effective January*
1887 *1, 2022*):

1888 (c) Possession of a bracelet linking the parent or lawful agent to an
1889 infant surrendered to a designated employee if parental rights have not
1890 been terminated creates a presumption the parent or lawful agent has
1891 standing to participate in a custody hearing for the infant under chapter
1892 319a but does not create a presumption of [maternity, paternity]
1893 parentage or custody.

1894 Sec. 93. Section 17b-27 of the general statutes is repealed and the
1895 following is substituted in lieu thereof (*Effective January 1, 2022*):

1896 (a) Each hospital or other institution where births occur, and each

1897 entity that is approved by the Commissioner of Social Services to
1898 participate in the voluntary [paternity] parentage establishment
1899 program, shall, with the assistance of the commissioner, develop a
1900 protocol for a voluntary [paternity] parentage establishment program as
1901 provided in regulations adopted pursuant to subsection (b) of this
1902 section, which shall be consistent with the provisions of [subsection (a)
1903 of section 46b-172] sections 24 to 35, inclusive, of this act and shall
1904 encourage the positive involvement of both parents in the life of the
1905 child. Each such protocol shall assure that the participants are informed,
1906 are competent to understand and agree to an affirmation or
1907 acknowledgment of [paternity] parentage, and that any such
1908 affirmation or acknowledgment is voluntary and free from coercion.
1909 Each such protocol shall also provide for the training of all staff
1910 members involved in the voluntary [paternity] parentage establishment
1911 process so that such staff members will understand their obligations to
1912 implement the voluntary [paternity] parentage establishment program
1913 in such a way that the participants are informed, are competent to
1914 understand and agree to an affirmation or acknowledgment of
1915 [paternity] parentage, and that any such affirmation or
1916 acknowledgment is voluntary and free from coercion. No entity may
1917 participate in the program until its protocol has been approved by the
1918 commissioner. The commissioner shall make all protocols and proposed
1919 protocols available for public inspection. No entity or location at which
1920 all or a substantial portion of occupants are present involuntarily,
1921 including, but not limited to, a prison or a mental hospital, but excluding
1922 any site having a research and demonstration project established under
1923 subsection (d) of section 1 of public act 99-193, may be approved for
1924 participation in the voluntary [paternity] parentage establishment
1925 program; nor may the commissioner approve any further site for
1926 participation in the program if it maintains a coercive environment or if
1927 the failure to acknowledge [paternity] parentage may result in the loss
1928 of benefits or services controlled by the entity, which are unrelated to
1929 [paternity] parentage.

1930 (b) The Commissioner of Social Services shall adopt regulations in
1931 accordance with chapter 54 to implement the provisions of subsection

1932 (a) of this section. Such regulations shall specify the requirements for
1933 participation in the voluntary [paternity] parentage establishment
1934 program and shall include, but not be limited to, provisions (1) to assure
1935 that affirmations of [paternity by the mother and acknowledgments of
1936 paternity by the putative father] parentage are voluntary and free from
1937 coercion, and (2) to establish the contents of notices which shall be
1938 provided to the [mother and to the putative father] parents before
1939 affirmation or acknowledgment. The notice to the [mother] parent who
1940 gave birth shall include, but not be limited to, notice that the affirmation
1941 or acknowledgment of [paternity] parentage may result in rights of
1942 custody and visitation, as well as a duty of support, in the person named
1943 as [the father] a parent. The notice to the [putative father] acknowledged
1944 parent shall include, but not be limited to, notice that: (A) [He] The
1945 acknowledged parent has the right to: (i) Establish [his paternity]
1946 parentage voluntarily or through court action, or to contest [paternity]
1947 parentage; (ii) appointment of counsel; (iii) in cases where the
1948 acknowledged parent is an alleged genetic parent, a genetic test to
1949 determine [paternity] parentage prior to signing an acknowledgment or
1950 in conjunction with a court action; and (iv) a trial by the Superior Court
1951 or a family support magistrate, and (B) acknowledgment of [paternity
1952 will make him] parentage shall make the acknowledged parent liable
1953 for the financial support of the child until the child's eighteenth birthday
1954 and may result in rights of custody and visitation being conferred on the
1955 [father] acknowledged parent. In no event shall the [mother's] failure of
1956 the parent who gave birth to sign an affirmation or acknowledgment of
1957 [paternity] parentage in the hospital or with any other entity agreeing
1958 to participate in the voluntary [paternity] parentage establishment
1959 program be considered failure to cooperate with the establishment of
1960 support for the purposes of eligibility for temporary assistance for
1961 needy families.

1962 (c) The Department of Public Health shall establish a voluntary
1963 acknowledgment of [paternity] parentage system consistent with the
1964 provisions of [subsection (a) of section 46b-172] sections 24 to 35,
1965 inclusive, of this act.

1966 Sec. 94. Subsections (a) and (b) of section 17b-137a of the general
1967 statutes are repealed and the following is substituted in lieu thereof
1968 (*Effective January 1, 2022*):

1969 (a) The Social Security number of the applicant shall be recorded on
1970 each (1) application for a license, certification or permit to engage in a
1971 profession or occupation regulated pursuant to the provisions of title
1972 19a, 20 or 21; (2) application for a commercial driver's license or
1973 commercial driver's instruction permit completed pursuant to
1974 subsection (a) of section 14-44c; and (3) application for a marriage license
1975 made under section 46b-25.

1976 (b) The Social Security number of any individual who is subject to a
1977 dissolution of marriage decree, dissolution of civil union decree,
1978 support order or [paternity] parentage determination or
1979 acknowledgment shall be placed in the records relating to the matter.

1980 Sec. 95. Subparagraph (A) of subdivision (2) of subsection (a) of
1981 section 17b-137 of the general statutes is repealed and the following is
1982 substituted in lieu thereof (*Effective January 1, 2022*):

1983 (2) (A) Such disclosure may be obtained in like manner of the
1984 property, wages or indebtedness of any person who is either: (i) Liable
1985 for the support of any such applicant or recipient, including the parents
1986 of any child receiving aid or services through the Department of
1987 Children and Families, or one adjudged or acknowledged to be the
1988 [father of an illegitimate] parent of a child; or (ii) the subject of an
1989 investigation in a IV-D support case, as defined in subdivision (13) of
1990 subsection (b) of section 46b-231. Any company or officer who has
1991 control of the books and accounts of any corporation shall make full
1992 disclosure to the IV-D agency, as defined in subdivision (12) of
1993 subsection (b) of section 46b-231, or to the support enforcement officer
1994 of the Superior Court of any such property, wages or indebtedness in all
1995 support cases, including IV-D support cases, as defined in subdivision
1996 (13) of subsection (b) of section 46b-231.

1997 Sec. 96. Subsections (d) and (e) of section 19a-42 of the general statutes

1998 are repealed and the following is substituted in lieu thereof (*Effective*
1999 *January 1, 2022*):

2000 (d) (1) Upon receipt of (A) an acknowledgment of [paternity]
2001 parentage executed in accordance with the provisions of [subsection (a)
2002 of section 46b-172] sections 24 to 35, inclusive, of this act by both parents
2003 of a child, [born out of wedlock,] or (B) a certified copy of an order of a
2004 court of competent jurisdiction establishing the [paternity] parentage of
2005 a child born out of wedlock, the commissioner shall include on or
2006 amend, as appropriate, such child's birth certificate to show such
2007 [paternity if paternity] parentage if parentage is not already shown on
2008 such birth certificate and to change the name of the child under eighteen
2009 years of age if so indicated on the acknowledgment of [paternity]
2010 parentage form or within the certified court order as part of the
2011 [paternity] parentage action. If a person who is the subject of a voluntary
2012 acknowledgment of [paternity] parentage, as described in this
2013 subdivision, is eighteen years of age or older, the commissioner shall
2014 obtain a notarized affidavit from such person affirming that [he or she]
2015 such person agrees to the commissioner's amendment of such person's
2016 birth certificate as such amendment relates to the acknowledgment of
2017 [paternity] parentage. The commissioner shall amend the birth
2018 certificate for an adult child to change [his or her] the child's name only
2019 pursuant to a court order.

2020 (2) If [another father is listed on] the birth certificate lists the
2021 information of a parent other than the person who gave birth, the
2022 commissioner shall not remove or replace the [father's] parent's
2023 information unless presented with a certified court order that meets the
2024 requirements specified in section 7-50, as amended by this act, or upon
2025 the proper filing of a rescission, in accordance with the provisions of
2026 section 46b-172, as amended by this act. The commissioner shall
2027 thereafter amend such child's birth certificate to remove or change the
2028 [father's] name of the parent other than the person who gave birth and,
2029 if relevant, to change the name of the child, as requested at the time of
2030 the filing of a rescission, in accordance with the provisions of section
2031 46b-172, as amended by this act. Birth certificates amended under this

2032 subsection shall not be marked "Amended".

2033 (e) When the parent or parents of a child request the amendment of
2034 the child's birth certificate to reflect a new [mother's] name of the parent
2035 who gave birth because the name on the original certificate is fictitious,
2036 such parent or parents shall obtain an order of a court of competent
2037 jurisdiction declaring the [putative mother] person who gave birth to be
2038 the child's [mother] parent. Upon receipt of a certified copy of such
2039 order, the department shall amend the child's birth certificate to reflect
2040 the [mother's] parent's true name.

2041 Sec. 97. Section 19a-42a of the general statutes is repealed and the
2042 following is substituted in lieu thereof (*Effective January 1, 2022*):

2043 (a) All (1) voluntary acknowledgments of [paternity] parentage and
2044 rescissions of such acknowledgments executed in accordance with
2045 [subsection (a) of section 46b-172] sections 24 to 37, inclusive, of this act,
2046 and (2) adjudications of [paternity] parentage issued by a court or family
2047 support magistrate under section 19 of this act, section 46b-171, as
2048 amended by this act, section 46b-172a, as amended by this act, or any
2049 other provision of the general statutes shall be filed in the [paternity]
2050 parentage registry maintained by the Department of Public Health. All
2051 information in such registry shall be made available to the IV-D agency,
2052 as defined in subdivision (12) of subsection (b) of section 46b-231, for
2053 comparison with information in the state case registry established under
2054 subsection (l) of section 17b-179. The IV-D agency may disclose
2055 information in the [paternity] parentage registry to an agency under
2056 cooperative agreement with the IV-D agency for child support
2057 enforcement purposes.

2058 (b) Except for the IV-D agency, as provided in subsection (a) of this
2059 section, the department shall restrict access to and issuance of certified
2060 copies of acknowledgments of [paternity] parentage to the following
2061 parties: (1) Parents named on the acknowledgment of [paternity]
2062 parentage; (2) the person whose birth is acknowledged, if such person
2063 is eighteen years of age or older; (3) a guardian of the person whose birth
2064 is acknowledged; (4) an authorized representative of the Department of

2065 Social Services; (5) an attorney representing such person or a parent
2066 named on the acknowledgment; or (6) agents of a state or federal
2067 agency, as approved by the department.

2068 Sec. 98. Subsection (a) of section 45a-8a of the general statutes is
2069 repealed and the following is substituted in lieu thereof (*Effective January*
2070 *1, 2022*):

2071 (a) For the purposes of this section, "children's matters" means: (1)
2072 Guardianship matters under sections 45a-603 to 45a-625, inclusive; (2)
2073 termination of parental rights matters under sections 45a-706 to 45a-719,
2074 inclusive; (3) adoption matters under sections 45a-724 to 45a-733,
2075 inclusive, and sections 45a-736 and 45a-737; (4) claims for [paternity]
2076 parentage under section 5 of this act and section 46b-172a, as amended
2077 by this act; (5) emancipation of minor matters under sections 46b-150 to
2078 46b-150e, inclusive; and (6) voluntary admission matters under section
2079 17a-11.

2080 Sec. 99. Subsection (b) of section 45a-106a of the general statutes is
2081 repealed and the following is substituted in lieu thereof (*Effective January*
2082 *1, 2022*):

2083 (b) The fee to file each of the following motions, petitions or
2084 applications in a Probate Court is two hundred fifty dollars:

2085 (1) With respect to a minor child: (A) Appoint a temporary guardian,
2086 temporary custodian, guardian, coguardian, permanent guardian or
2087 statutory parent, (B) remove a guardian, including the appointment of
2088 another guardian, (C) reinstate a parent as guardian, (D) terminate
2089 parental rights, including the appointment of a guardian or statutory
2090 parent, (E) grant visitation, (F) make findings regarding special
2091 immigrant juvenile status, (G) approve placement of a child for
2092 adoption outside this state, (H) approve an adoption, (I) validate a
2093 foreign adoption, (J) review, modify or enforce a cooperative
2094 postadoption agreement, (K) review an order concerning contact
2095 between an adopted child and his or her siblings, (L) resolve a dispute
2096 concerning a standby guardian, (M) approve a plan for voluntary

2097 services provided by the Department of Children and Families, (N)
2098 determine whether the termination of voluntary services provided by
2099 the Department of Children and Families is in accordance with
2100 applicable regulations, (O) conduct an in-court review to modify an
2101 order, (P) grant emancipation, (Q) grant approval to marry, (R) transfer
2102 funds to a custodian under sections 45a-557 to 45a-560b, inclusive, (S)
2103 appoint a successor custodian under section 45a-559c, (T) resolve a
2104 dispute concerning custodianship under sections 45a-557 to 45a-560b,
2105 inclusive, and (U) grant authority to purchase real estate;

2106 (2) Determine [paternity] parentage;

2107 (3) Validate a genetic surrogacy agreement;

2108 [(3)] (4) Determine the age and date of birth of an adopted person
2109 born outside the United States;

2110 [(4)] (5) With respect to adoption records: (A) Appoint a guardian ad
2111 litem for a biological relative who cannot be located or appears to be
2112 incompetent, (B) appeal the refusal of an agency to release information,
2113 (C) release medical information when required for treatment, and (D)
2114 grant access to an original birth certificate;

2115 [(5)] (6) Approve an adult adoption;

2116 [(6)] (7) With respect to a conservatorship: (A) Appoint a temporary
2117 conservator, conservator or special limited conservator, (B) change
2118 residence, terminate a tenancy or lease, sell or dispose household
2119 furnishings, or place in a long-term care facility, (C) determine
2120 competency to vote, (D) approve a support allowance for a spouse, (E)
2121 grant authority to elect the spousal share, (F) grant authority to purchase
2122 real estate, (G) give instructions regarding administration of a joint asset
2123 or liability, (H) distribute gifts, (I) grant authority to consent to
2124 involuntary medication, (J) determine whether informed consent has
2125 been given for voluntary admission to a hospital for psychiatric
2126 disabilities, (K) determine life-sustaining medical treatment, (L) transfer
2127 to or from another state, (M) modify the conservatorship in connection

2128 with a periodic review, (N) excuse accounts under rules of procedure
2129 approved by the Supreme Court under section 45a-78, (O) terminate the
2130 conservatorship, and (P) grant a writ of habeas corpus;

2131 [(7)] (8) With respect to a power of attorney: (A) Compel an account
2132 by an agent, (B) review the conduct of an agent, (C) construe the power
2133 of attorney, and (D) mandate acceptance of the power of attorney;

2134 [(8)] (9) Resolve a dispute concerning advance directives or life-
2135 sustaining medical treatment when the individual does not have a
2136 conservator or guardian;

2137 [(9)] (10) With respect to an elderly person, as defined in section 17b-
2138 450: (A) Enjoin an individual from interfering with the provision of
2139 protective services to such elderly person, and (B) authorize the
2140 Commissioner of Social Services to enter the premises of such elderly
2141 person to determine whether such elderly person needs protective
2142 services;

2143 [(10)] (11) With respect to an adult with intellectual disability: (A)
2144 Appoint a temporary limited guardian, guardian or standby guardian,
2145 (B) grant visitation, (C) determine competency to vote, (D) modify the
2146 guardianship in connection with a periodic review, (E) determine life-
2147 sustaining medical treatment, (F) approve an involuntary placement,
2148 (G) review an involuntary placement, (H) authorize a guardian to
2149 manage the finances of such adult, and (I) grant a writ of habeas corpus;

2150 [(11)] (12) With respect to psychiatric disability: (A) Commit an
2151 individual for treatment, (B) issue a warrant for examination of an
2152 individual at a general hospital, (C) determine whether there is probable
2153 cause to continue an involuntary confinement, (D) review an
2154 involuntary confinement for possible release, (E) authorize shock
2155 therapy, (F) authorize medication for treatment of psychiatric disability,
2156 (G) review the status of an individual under the age of sixteen as a
2157 voluntary patient, and (H) recommit an individual under the age of
2158 sixteen for further treatment;

2159 [(12)] (13) With respect to drug or alcohol dependency: (A) Commit
2160 an individual for treatment, (B) recommit an individual for further
2161 treatment, and (C) terminate an involuntary confinement;

2162 [(13)] (14) With respect to tuberculosis: (A) Commit an individual for
2163 treatment, (B) issue a warrant to enforce an examination order, and (C)
2164 terminate an involuntary confinement;

2165 [(14)] (15) Compel an account by the trustee of an inter vivos trust,
2166 custodian under sections 45a-557 to 45a-560b, inclusive, or treasurer of
2167 an ecclesiastical society or cemetery association;

2168 [(15)] (16) With respect to a testamentary or inter vivos trust: (A)
2169 Construe, divide, reform or terminate the trust, (B) enforce the
2170 provisions of a pet trust, and (C) excuse a final account under rules of
2171 procedure approved by the Supreme Court under section 45a-78;

2172 [(16)] (17) Authorize a fiduciary to establish a trust;

2173 [(17)] (18) Appoint a trustee for a missing person;

2174 [(18)] (19) Change a person's name;

2175 [(19)] (20) Issue an order to amend the birth certificate of an
2176 individual born in another state to reflect a gender change;

2177 [(20)] (21) Require the Department of Public Health to issue a delayed
2178 birth certificate;

2179 [(21)] (22) Compel the board of a cemetery association to disclose the
2180 minutes of the annual meeting;

2181 [(22)] (23) Issue an order to protect a grave marker;

2182 [(23)] (24) Restore rights to purchase, possess and transport firearms;

2183 [(24)] (25) Issue an order permitting sterilization of an individual;

2184 [(25)] (26) Approve the transfer of structured settlement payment
2185 rights; and

2186 [(26)] (27) With respect to any case in a Probate Court other than a
2187 decedent's estate: (A) Compel or approve an action by the fiduciary, (B)
2188 give advice or instruction to the fiduciary, (C) authorize a fiduciary to
2189 compromise a claim, (D) list, sell or mortgage real property, (E)
2190 determine title to property, (F) resolve a dispute between cofiduciaries
2191 or among fiduciaries, (G) remove a fiduciary, (H) appoint a successor
2192 fiduciary or fill a vacancy in the office of fiduciary, (I) approve fiduciary
2193 or attorney's fees, (J) apply the doctrine of cy pres or approximation, (K)
2194 reconsider, modify or revoke an order, and (L) decide an action on a
2195 probate bond.

2196 Sec. 100. Subsection (a) of section 45a-257b of the general statutes is
2197 repealed and the following is substituted in lieu thereof (*Effective January*
2198 *1, 2022*):

2199 (a) Except as provided in subsection (b) of this section, if a testator
2200 fails to provide in the testator's will for any of the testator's children born
2201 or adopted after the execution of the will, including any child who is
2202 born as a result of [artificial insemination to which the testator has
2203 consented in accordance with subsection (b) of section 45a-772] assisted
2204 reproduction, as defined in section 2 of this act, and any child born after
2205 the death of the testator as provided in subsection (a) of section 45a-785,
2206 the omitted after-born or after-adopted child receives a share in the
2207 estate as follows:

2208 (1) If the testator had no child living when the testator executed the
2209 will, an omitted after-born or after-adopted child receives a share in the
2210 estate equal in value to that which the child would have received had
2211 the testator died intestate, unless the will devised or bequeathed all or
2212 substantially all of the estate to the other parent of the omitted child and
2213 that other parent survives the testator and is entitled to take under the
2214 will.

2215 (2) If the testator had one or more children living when the testator
2216 executed the will, and the will devised or bequeathed property or an
2217 interest in property to one or more of the then-living children, an
2218 omitted after-born or after-adopted child is entitled to share in the

2219 testator's estate as follows:

2220 (A) Except as provided in subparagraph (E) of this subdivision, the
2221 portion of the testator's estate in which the omitted after-born or after-
2222 adopted child is entitled to share is limited to devises and legacies made
2223 to the testator's then-living children under the will.

2224 (B) The omitted after-born or after-adopted child is entitled to receive
2225 the share of the testator's estate, as limited in subparagraph (A) of this
2226 subdivision, that the child would have received had the testator
2227 included all omitted after-born and after-adopted children with the
2228 children to whom devises and legacies were made under the will and
2229 had given an equal share of the estate to each child.

2230 (C) To the extent feasible, the interest granted an omitted after-born
2231 or after-adopted child under this section must be of the same character,
2232 whether equitable or legal, present or future, as that devised or
2233 bequeathed to the testator's then-living children under the will.

2234 (D) In satisfying a share provided by this subdivision, devises and
2235 legacies to the testator's children who were living when the will was
2236 executed abate ratably. In the abatement of the devises and legacies of
2237 the then-living children, to the maximum extent possible the character
2238 of the testamentary plan adopted by the testator shall be preserved.

2239 (E) If it appears from the will that the intention of the testator was to
2240 make a limited provision which specifically applied only to the testator's
2241 living children at the time the will was executed, the after-born or after-
2242 adopted child succeeds to the portion of such testator's estate as would
2243 have passed to such child had the testator died intestate.

2244 Sec. 101. Subsection (a) of section 45a-262 of the general statutes is
2245 repealed and the following is substituted in lieu thereof (*Effective January*
2246 *1, 2022*):

2247 (a) The words "child", "children", "issue", "descendants",
2248 "descendant", "heirs", "heir", "unlawful heirs", "grandchild" and
2249 "grandchildren", when used in the singular or plural in any will or trust

2250 instrument, shall, unless such document clearly indicates a contrary
2251 intention, be deemed to include children born as a result of [A.I.D.]
2252 assisted reproduction. The provisions of this subsection shall apply to
2253 wills and trust instruments whether or not executed before, on or after
2254 October 1, 1975, unless the instrument indicates an intent to the
2255 contrary.

2256 Sec. 102. Subsection (b) of section 45a-437 of the general statutes is
2257 repealed and the following is substituted in lieu thereof (*Effective January*
2258 *1, 2022*):

2259 (b) For the purposes of this section:

2260 (1) Issue includes children [born out of wedlock] who qualify for
2261 inheritance under the provisions of section 45a-438, as amended by this
2262 act, and the legal representatives of such children;

2263 (2) A [father of a child born out of wedlock] person shall be
2264 considered a parent if the [father] person qualifies for inheritance from
2265 or through the child under the provisions of section 45a-438b, as
2266 amended by this act.

2267 Sec. 103. Subsection (b) of section 45a-438 of the general statutes is
2268 repealed and the following is substituted in lieu thereof (*Effective January*
2269 *1, 2022*):

2270 (b) Except as provided in section 45a-731, for the purposes of this
2271 chapter, a child [born out of wedlock] and the child's legal
2272 representatives shall qualify for inheritance from or through the [father
2273 if (1) the father's paternity was established by a written
2274 acknowledgment of paternity under section 46b-172, or (2) the father's
2275 paternity has been adjudicated by a court of competent jurisdiction
2276 under chapter 815y] parent if parentage is established in accordance
2277 with the provisions of the Connecticut Parentage Act or by adoption. If
2278 parentage is based on subdivision (3) of subsection (a) of section 36 or
2279 sections 40 to 50, inclusive, of the Connecticut Parentage Act, parentage
2280 shall be established by a voluntary acknowledgment of parentage under

2281 sections 24 to 35, inclusive, of the Connecticut Parentage Act, or by court
2282 adjudication.

2283 Sec. 104. Section 45a-438b of the general statutes is repealed and the
2284 following is substituted in lieu thereof (*Effective January 1, 2022*):

2285 Except as provided in section 45a-731, for the purposes of this
2286 chapter, a [father and his kindred] parent and the parent's kindred shall
2287 qualify for inheritance from or through a child [who was born out of
2288 wedlock if (1) the father's paternity was established by a written
2289 acknowledgment of paternity under section 46b-172, or (2) the father's
2290 paternity has been adjudicated by a court of competent jurisdiction
2291 under chapter 815y] if parentage is established in accordance with the
2292 provisions of the Connecticut Parentage Act or by adoption. If parentage
2293 is based on subdivision (3) of subsection (a) of section 36 or sections 40
2294 to 50, inclusive, of the Connecticut Parentage Act, parentage shall be
2295 established by a voluntary acknowledgment of parentage under
2296 sections 24 to 35, inclusive, of the Connecticut Parentage Act, or by court
2297 adjudication.

2298 Sec. 105. Section 45a-604 of the general statutes is repealed and the
2299 following is substituted in lieu thereof (*Effective January 1, 2022*):

2300 As used in sections 45a-603 to 45a-622, inclusive:

2301 (1) "Mother" means a woman who [can show proof by means of a
2302 birth certificate or other sufficient evidence of having given birth to a
2303 child and an adoptive mother as shown by a decree of a court of
2304 competent jurisdiction or otherwise] is a parent as defined in section 2
2305 of this act;

2306 (2) "Father" means a man who is a [father under the law of this state
2307 including a man who, in accordance with section 46b-172, executes a
2308 binding acknowledgment of paternity and a man determined to be a
2309 father under chapter 815y] parent as defined by section 2 of this act;

2310 (3) "Parent" [means a mother as defined in subdivision (1) of this
2311 section or a "father" as defined in subdivision (2) of this section] has the

2312 same meaning as provided in section 2 of this act;

2313 (4) "Minor" or "minor child" means a person under the age of
2314 eighteen;

2315 (5) "Guardianship" means guardianship of the person of a minor, and
2316 includes: (A) The obligation of care and control; (B) the authority to
2317 make major decisions affecting the minor's education and welfare,
2318 including, but not limited to, consent determinations regarding
2319 marriage, enlistment in the armed forces and major medical, psychiatric
2320 or surgical treatment; and (C) upon the death of the minor, the authority
2321 to make decisions concerning funeral arrangements and the disposition
2322 of the body of the minor;

2323 (6) "Guardian" means a person who has the authority and obligations
2324 of "guardianship", as defined in subdivision (5) of this section;

2325 (7) "Termination of parental rights" means the complete severance by
2326 court order of the legal relationship, with all its rights and
2327 responsibilities, between the child and the child's parent or parents so
2328 that the child is free for adoption, except that it shall not affect the right
2329 of inheritance of the child or the religious affiliation of the child;

2330 (8) "Permanent guardianship" means a guardianship, as defined in
2331 subdivision (5) of this section, that is intended to endure until the minor
2332 reaches the age of majority without termination of the parental rights of
2333 the minor's parents; and

2334 (9) "Permanent guardian" means a person who has the authority and
2335 obligations of a permanent guardianship, as defined in subdivision (8)
2336 of this section.

2337 Sec. 106. Section 45a-707 of the general statutes is repealed and the
2338 following is substituted in lieu thereof (*Effective January 1, 2022*):

2339 As used in sections 45a-187, 45a-706 to 45a-709, inclusive, 45a-715 to
2340 45a-718, inclusive, and 45a-724 to 45a-737, inclusive:

2341 (1) "Adoption" means the establishment by court order of the legal
2342 relationship of parent and child;

2343 (2) "Child care facility" means a congregate residential setting for the
2344 out-of-home placement of children or youths under eighteen years of
2345 age, licensed by the Department of Children and Families;

2346 (3) "Child-placing agency" means any agency within or without the
2347 state of Connecticut licensed or approved by the Commissioner of
2348 Children and Families in accordance with sections 17a-149 and 17a-151,
2349 and in accordance with standards established by regulations of the
2350 Commissioner of Children and Families;

2351 (4) "Guardianship" means guardianship, unless otherwise specified,
2352 of the person of a minor and refers to the obligation of care and control,
2353 the right to custody and the duty and authority to make major decisions
2354 affecting the minor's welfare, including, but not limited to, consent
2355 determinations regarding marriage, enlistment in the armed forces and
2356 major medical, psychiatric or surgical treatment;

2357 (5) "Parent" [means a biological or adoptive parent] has the same
2358 meaning as provided in section 2 of this act;

2359 (6) "Relative" means any person descended from a common ancestor,
2360 whether by blood or adoption, not more than three generations
2361 removed from the child;

2362 (7) "Statutory parent" means the Commissioner of Children and
2363 Families or the child-placing agency appointed by the court for the
2364 purpose of the adoption of a minor child or minor children;

2365 (8) "Termination of parental rights" means the complete severance by
2366 court order of the legal relationship, with all its rights and
2367 responsibilities, between the child and the child's parent or parents so
2368 that the child is free for adoption except it shall not affect the right of
2369 inheritance of the child or the religious affiliation of the child.

2370 Sec. 107. Section 45a-716 of the general statutes is repealed and the

2371 following is substituted in lieu thereof (*Effective January 1, 2022*):

2372 (a) Upon receipt of a petition for termination of parental rights, the
2373 Probate Court, or the Superior Court on a case transferred to it from the
2374 Probate Court in accordance with the provisions of subsection (g) of
2375 section 45a-715, shall set a time and place for hearing the petition. The
2376 time for hearing shall be not more than thirty days after the filing of the
2377 petition, except, in the case of a petition for termination of parental
2378 rights based on consent that is filed on or after October 1, 2004, the time
2379 for hearing shall be not more than twenty days after the filing of such
2380 petition.

2381 (b) The court shall cause notice of the hearing to be given to the
2382 following persons, as applicable: (1) The minor child, if age twelve or
2383 older; (2) the parent or parents of the minor child, including any parent
2384 who has been removed as guardian; (3) the [father] alleged genetic
2385 parent of any minor child born [out of wedlock] to parents not married
2386 to each other, provided at the time of the filing of the petition (A) [he]
2387 the alleged genetic parent has been adjudicated the [father] parent of
2388 such child by a court of competent jurisdiction, (B) [he] the alleged
2389 genetic parent has acknowledged in writing that [he] the alleged genetic
2390 parent is the [father] parent of such child, (C) [he] the alleged genetic
2391 parent has contributed regularly to the support of such child, (D) [his]
2392 the name of the alleged genetic parent appears on the birth certificate,
2393 (E) [he] the alleged genetic parent has filed a claim for [paternity]
2394 parentage as provided under section 46b-172a, as amended by this act,
2395 or (F) [he] the alleged genetic parent has been named in the petition as
2396 the [father] parent of the child by the [mother] parent who gave birth;
2397 (4) the guardian or any other person whom the court deems appropriate;
2398 (5) the Commissioner of Children and Families; and (6) the Attorney
2399 General. The Attorney General may file an appearance and shall be and
2400 remain a party to the action if the child is receiving or has received aid
2401 or care from the state, or if the child is receiving child support
2402 enforcement services, as defined in subdivision (2) of subsection (b) of
2403 section 46b-231, as amended by this act. If the recipient of the notice is a
2404 person described in subdivision (2) or (3) of this subsection or is any

2405 other person whose parental rights are sought to be terminated in the
2406 petition, the notice shall contain a statement that the respondent has the
2407 right to be represented by counsel and that if the respondent is unable
2408 to pay for counsel, counsel will be appointed for the respondent. The
2409 reasonable compensation for such counsel shall be established by, and
2410 paid from funds appropriated to, the Judicial Department, except that
2411 in the case of a Probate Court matter, if funds have not been included in
2412 the budget of the Judicial Department for such purposes, such
2413 compensation shall be established by the Probate Court Administrator
2414 and paid from the Probate Court Administration Fund.

2415 (c) Except as provided in subsection (d) of this section, notice of the
2416 hearing and a copy of the petition, certified by the petitioner, the
2417 petitioner's agent or attorney, or the clerk of the court, shall be served
2418 not less than ten days before the date of the hearing by personal service
2419 or service at the person's usual place of abode on the persons
2420 enumerated in subsection (b) of this section who are within the state,
2421 and by first class mail on the Commissioner of Children and Families
2422 and the Attorney General. If the address of any person entitled to
2423 personal service or service at the person's usual place of abode is
2424 unknown, or if personal service or service at the person's usual place of
2425 abode cannot be reasonably effected within the state, or if any person
2426 enumerated in subsection (b) of this section is out of the state, a judge or
2427 the clerk of the court shall order notice to be given by registered or
2428 certified mail, return receipt requested, or by publication not less than
2429 ten days before the date of the hearing. Any such publication shall be in
2430 a newspaper of general circulation in the place of the last-known
2431 address of the person to be notified, whether within or without this
2432 state, or, if no such address is known, in the place where the petition has
2433 been filed.

2434 (d) In any proceeding pending in the Probate Court, in lieu of
2435 personal service on, or at the usual place of abode of, [a parent or the
2436 father of a child born out of wedlock] an alleged genetic parent of a child
2437 born to parents not married to each other who is either a petitioner or
2438 who signs under penalty of false statement a written waiver of personal

2439 service on a form provided by the Probate Court Administrator, the
2440 court may order notice to be given by first class mail not less than ten
2441 days before the date of the hearing. If such delivery cannot reasonably
2442 be effected, or if the whereabouts of the parents is unknown, notice shall
2443 be ordered to be given by publication as provided in subsection (c) of
2444 this section.

2445 Sec. 108. Subsection (c) of section 45a-717 of the general statutes is
2446 repealed and the following is substituted in lieu thereof (*Effective January*
2447 *1, 2022*):

2448 (c) The court shall, if a claim for [paternity] parentage has been filed
2449 by an alleged genetic parent in accordance with section 46b-172a, as
2450 amended by this act, continue the hearing under the provisions of this
2451 section until the claim for [paternity] parentage is adjudicated, provided
2452 the court may combine the hearing on the claim for [paternity]
2453 parentage with the hearing on the termination of parental rights
2454 petition.

2455 Sec. 109. Section 46b-1 of the general statutes is repealed and the
2456 following is substituted in lieu thereof (*Effective January 1, 2022*):

2457 Matters within the jurisdiction of the Superior Court deemed to be
2458 family relations matters shall be matters affecting or involving: (1)
2459 Dissolution of marriage, contested and uncontested, except dissolution
2460 upon conviction of crime as provided in section 46b-47; (2) legal
2461 separation; (3) annulment of marriage; (4) alimony, support, custody
2462 and change of name incident to dissolution of marriage, legal separation
2463 and annulment; (5) actions brought under section 46b-15; (6) complaints
2464 for change of name; (7) civil support obligations; (8) habeas corpus and
2465 other proceedings to determine the custody and visitation of children;
2466 (9) habeas corpus brought by or on behalf of any mentally ill person
2467 except a person charged with a criminal offense; (10) appointment of a
2468 commission to inquire whether a person is wrongfully confined as
2469 provided by section 17a-523; (11) juvenile matters as provided in section
2470 46b-121, as amended by this act; (12) all rights and remedies provided
2471 for in chapter 815j; (13) the establishing of [paternity] parentage; (14)

2472 appeals from probate concerning: (A) Adoption or termination of
2473 parental rights; (B) appointment and removal of guardians; (C) custody
2474 of a minor child; (D) appointment and removal of conservators; (E)
2475 orders for custody of any child; and (F) orders of commitment of persons
2476 to public and private institutions and to other appropriate facilities as
2477 provided by statute; (15) actions related to prenuptial and separation
2478 agreements and to matrimonial and civil union decrees of a foreign
2479 jurisdiction; (16) dissolution, legal separation or annulment of a civil
2480 union performed in a foreign jurisdiction; (17) custody proceedings
2481 brought under the provisions of chapter 815p; and (18) all such other
2482 matters within the jurisdiction of the Superior Court concerning
2483 children or family relations as may be determined by the judges of said
2484 court.

2485 Sec. 110. Subsection (b) of section 46b-6a of the general statutes is
2486 repealed and the following is substituted in lieu thereof (*Effective January*
2487 *1, 2022*):

2488 (b) In a family relations matter, as defined in section 46b-1, as
2489 amended by this act, if a court orders that a child undergo treatment
2490 from a qualified, licensed health care provider, the court shall permit the
2491 parent or legal guardian of such child to select a qualified, licensed
2492 health care provider to provide such treatment. Except in a case where
2493 [one of the parents] a parent has been awarded sole custody, if [both]
2494 the parents do not agree on the selection of a qualified, licensed health
2495 care provider to provide such treatment to a child, the court shall
2496 continue the matter for two weeks to allow the parents an opportunity
2497 to jointly select a qualified, licensed health care provider. If after the
2498 two-week period, the parents have not reached an agreement on the
2499 selection of a qualified, licensed health care provider, the court shall
2500 select such provider after giving due consideration to the health
2501 insurance coverage and financial resources available to such parents.

2502 Sec. 111. Section 46b-45a of the general statutes is repealed and the
2503 following is substituted in lieu thereof (*Effective January 1, 2022*)

2504 (a) If, during the pendency of a dissolution or annulment of marriage,

2505 [the wife] a spouse is pregnant, [she] such spouse may so allege in the
2506 pleadings. The parties may in their pleadings allege and answer that the
2507 child born of the pregnancy will or will not be [issue] a child of the
2508 marriage.

2509 (b) If the parties to a dissolution or annulment of marriage disagree
2510 as to [whether or not the husband is the father of] the parentage of the
2511 spouse who did not give birth to the child born of the pregnancy, the
2512 court shall hold a hearing within a reasonable period after the birth of
2513 the child to determine [paternity] parentage.

2514 Sec. 112. Section 46b-55 of the general statutes is repealed and the
2515 following is substituted in lieu thereof (*Effective January 1, 2022*):

2516 [(a)] The Attorney General shall be and remain a party to any action
2517 for dissolution of marriage, legal separation or annulment, and to any
2518 proceedings after judgment in such action, if any party to the action, or
2519 any child of any party, is receiving or has received aid or care from the
2520 state. The Attorney General may also be a party to such action for the
2521 purpose of establishing, enforcing or modifying an order for support or
2522 alimony if any party to the action is receiving support enforcement
2523 services pursuant to Title IV-D of the Social Security Act.

2524 [(b) If any child born during a marriage, which is terminated by a
2525 divorce decree or decree of dissolution of marriage, is found not to be
2526 issue of such marriage, the child or his representative may bring an
2527 action in the Superior Court to establish the paternity of the child within
2528 one year after the date of the judgment of divorce or decree of
2529 dissolution of the marriage of his natural mother, notwithstanding the
2530 provisions of section 46b-160.]

2531 Sec. 113. Section 46b-60 of the general statutes is repealed and the
2532 following is substituted in lieu thereof (*Effective January 1, 2022*):

2533 In connection with any petition for annulment under this chapter, the
2534 Superior Court may make such order regarding any child of the
2535 marriage and concerning alimony as it might make in an action for

2536 dissolution of marriage. The issue of any void or voidable marriage shall
2537 be deemed [legitimate] a child of the marriage. Any child born before,
2538 on or after October 1, 1976, whose birth occurred prior to the marriage
2539 of his parents shall be deemed a child of the marriage.

2540 Sec. 114. Section 46b-61 of the general statutes is repealed and the
2541 following is substituted in lieu thereof (*Effective January 1, 2022*):

2542 (a) In all cases in which the parents of a minor child live separately,
2543 the superior court for the judicial district where [either] any parent
2544 resides may, on the application of [either] any parent and after notice is
2545 given to the other parent or parents, make any order as to the custody,
2546 care, education, visitation and support of any minor child of the parents,
2547 subject to the provisions of sections 46b-54, 46b-56, 46b-57 and 46b-66.
2548 Proceedings to obtain such orders shall be commenced by service of an
2549 application, a summons and an order to show cause. An applicant shall
2550 file the accompanying documents with the court not later than the first
2551 date for which the matter appears on the docket.

2552 (b) As used in this section, "accompanying documents" means
2553 documents that establish an existing legal relationship between the
2554 parents and the child for whom an application for custody, care,
2555 education, visitation and support is made under this section.
2556 "Accompanying documents" include, but are not limited to, a copy of a
2557 birth certificate naming the applicant and the respondent as the parents
2558 of the child, a copy of a properly executed acknowledgment of
2559 [paternity] parentage, a court order or decree naming the legally
2560 responsible parents, including adoptive parents, a [gestational]
2561 surrogacy agreement as defined in section 7-36, as amended by this act,
2562 documents showing that the minor child was born during the parents'
2563 wedlock or other sufficient evidence within the discretion of the court.

2564 Sec. 115. Subsections (a) and (b) of section 46b-62 of the general
2565 statutes are repealed and the following is substituted in lieu thereof
2566 (*Effective January 1, 2022*):

2567 (a) In any proceeding seeking relief under the provisions of this

chapter and sections 17b-743, 17b-744, [45a-257] 45a-257b, as amended by this act, 46b-1, as amended by this act, 46b-6, 46b-301 to 46b-425, inclusive, 47-14g, 51-348a and 52-362, the court may order either spouse or, if such proceeding concerns the custody, care, education, visitation or support of a minor child, [either] any parent to pay the reasonable attorney's fees of the other in accordance with their respective financial abilities and the criteria set forth in section 46b-82. If, in any proceeding under this chapter and said sections, the court appoints counsel or a guardian ad litem for a minor child, the court may order [the father, mother] a parent or an intervening party, individually or in any combination, to pay the reasonable fees of such counsel or guardian ad litem or may order the payment of such counsel's or guardian ad litem's fees in whole or in part from the estate of the child. If the child is receiving or has received state aid or care, the compensation of such counsel or guardian ad litem shall be established and paid by the Public Defender Services Commission.

(b) If, in any proceeding under this chapter and sections 17b-743, 17b-744, [45a-257] 45a-257b, as amended by this act, 46b-1, as amended by this act, 46b-6, 46b-301 to 46b-425, inclusive, 47-14g, 51-348a and 52-362, the court appoints counsel or a guardian ad litem for a minor child, the court may not order [the father, mother] a parent or an intervening party, individually or in any combination, to pay the reasonable fees of such counsel or guardian ad litem from a college savings account, including any account established pursuant to any qualified tuition program, as defined in Section 529(b) of the Internal Revenue Code, that has been established for the benefit of the minor child. If the court determines that [the father, mother] a parent or an intervening party does not have the ability to pay such reasonable fees, the court shall not order that such reasonable fees be paid by such persons through the use of a credit card. In addition, any order for the payment of such reasonable fees shall be limited to income or assets that are not exempt property under sections 52-352a and 52-352b.

Sec. 116. Subdivision (1) of subsection (b) of section 46b-121 of the general statutes is repealed and the following is substituted in lieu

2602 thereof (*Effective January 1, 2022*):

2603 (b) (1) In juvenile matters, the Superior Court shall have authority to
2604 make and enforce such orders directed to parents, including any person
2605 who acknowledges before the court [paternity] parentage of a child born
2606 [out of wedlock] to parents not married to each other, guardians,
2607 custodians or other adult persons owing some legal duty to a child
2608 therein, as the court deems necessary or appropriate to secure the
2609 welfare, protection, proper care and suitable support of a child subject
2610 to the court's jurisdiction or otherwise committed to or in the custody of
2611 the Commissioner of Children and Families. The Superior Court may
2612 order a local or regional board of education to provide to the court
2613 educational records of a child for the purpose of determining the need
2614 for services or placement of the child. In proceedings concerning a child
2615 charged with a delinquent act or with being from a family with service
2616 needs, records produced subject to such an order shall be maintained
2617 under seal by the court and shall be released only after a hearing or with
2618 the consent of the child. Educational records obtained pursuant to this
2619 section shall be used only for dispositional purposes. In addition, with
2620 respect to proceedings concerning delinquent children, the Superior
2621 Court shall have authority to make and enforce such orders as the court
2622 deems necessary or appropriate to provide individualized supervision,
2623 care, accountability and treatment to such child in a manner consistent
2624 with public safety, deter the child from the commission of further
2625 delinquent acts, ensure that the child is responsive to the court process,
2626 ensure that the safety of any other person will not be endangered and
2627 provide restitution to any victim. The Superior Court shall also have
2628 authority to grant and enforce temporary and permanent injunctive
2629 relief in all proceedings concerning juvenile matters.

2630 Sec. 117. Subsection (c) of section 46b-129 of the general statutes is
2631 repealed and the following is substituted in lieu thereof (*Effective January*
2632 *1, 2022*):

2633 (c) The preliminary hearing on the order of temporary custody or
2634 order to appear or the first hearing on a petition filed pursuant to

2635 subsection (a) of this section shall be held in order for the court to:

2636 (1) Advise the parent or guardian of the allegations contained in all
2637 petitions and applications that are the subject of the hearing and the
2638 parent's or guardian's right to counsel pursuant to subsection (b) of
2639 section 46b-135;

2640 (2) Ensure that an attorney, and where appropriate, a separate
2641 guardian ad litem has been appointed to represent the child or youth in
2642 accordance with subsection (b) of section 51-296a and sections 46b-129a
2643 and 46b-136;

2644 (3) Upon request, appoint an attorney to represent the respondent
2645 when the respondent is unable to afford representation, in accordance
2646 with subsection (b) of section 51-296a;

2647 (4) Advise the parent or guardian of the right to a hearing on the
2648 petitions and applications, to be held not later than ten days after the
2649 date of the preliminary hearing if the hearing is pursuant to an order of
2650 temporary custody or an order to show cause;

2651 (5) Accept a plea regarding the truth of the allegations;

2652 (6) Make any interim orders, including visitation orders, that the
2653 court determines are in the best interests of the child or youth. The court,
2654 after a hearing pursuant to this subsection, shall order specific steps the
2655 commissioner and the parent or guardian shall take for the parent or
2656 guardian to regain or to retain custody of the child or youth;

2657 (7) Take steps to determine the identity of the [father] alleged genetic
2658 parent of the child or youth, including, if necessary, inquiring of the
2659 [mother] birth parent of the child or youth, under oath, as to the identity
2660 and address of any person who might be the [father] genetic parent of
2661 the child or youth and ordering genetic testing, and order service of the
2662 petition and notice of the hearing date, if any, to be made upon [him]
2663 such alleged genetic parent;

2664 (8) If the person named as the [father] alleged genetic parent appears

2665 and admits that [he] such person is the [father, provide him] genetic
2666 parent, provide such person and the [mother] birth parent with the
2667 notices that comply with section 17b-27, as amended by this act, and
2668 provide them with the opportunity to sign [a paternity
2669 acknowledgment and affirmation] an acknowledgment of parentage on
2670 forms that comply with section 17b-27, as amended by this act. Such
2671 documents shall be executed and filed in accordance with chapter 815y
2672 and a copy delivered to the clerk of the superior court for juvenile
2673 matters. The clerk of the superior court for juvenile matters shall send
2674 the original [paternity acknowledgment and affirmation]
2675 acknowledgment of parentage to the Department of Public Health for
2676 filing in the [paternity] parentage registry maintained under section 19a-
2677 42a, as amended by this act, and shall maintain a copy of the [paternity
2678 acknowledgment and affirmation] acknowledgment of parentage in the
2679 court file;

2680 (9) If the person named as [a father] an alleged genetic parent appears
2681 and denies that [he is the father] such person is the genetic parent of the
2682 child or youth, order genetic testing to determine [paternity] parentage
2683 in accordance with [section 46b-168. If the results of the genetic tests
2684 indicate a ninety-nine per cent or greater probability that the person
2685 named as father is the father of the child or youth, such results shall
2686 constitute a rebuttable presumption that the person named as father is
2687 the father of the child or youth, provided the court finds evidence that
2688 sexual intercourse occurred between the mother and the person named
2689 as father during the period of time in which the child was conceived. If
2690 the court finds such rebuttable presumption, the court may issue
2691 judgment adjudicating paternity after providing the father an
2692 opportunity for a hearing] the Connecticut Parentage Act. The clerk of
2693 the court shall send a certified copy of any judgment adjudicating
2694 [paternity] parentage to the Department of Public Health for filing in the
2695 [paternity] parentage registry maintained under section 19a-42a, as
2696 amended by this act. If the results of the genetic tests indicate that the
2697 person named as [father] the alleged genetic parent is not the [biological
2698 father] genetic parent of the child or youth, the court shall enter a
2699 judgment that [he] such person is not the [father] genetic parent and the

2700 court shall remove [him] such person from the case and afford [him]
2701 such person no further standing in the case or in any subsequent
2702 proceeding regarding the child or youth;

2703 (10) Identify any person or persons related to the child or youth by
2704 blood, [or] marriage or law residing in this state who might serve as
2705 licensed foster parents or temporary custodians and order the
2706 Commissioner of Children and Families to investigate and report to the
2707 court, not later than thirty days after the preliminary hearing, the
2708 appropriateness of placing the child or youth with such relative or
2709 relatives; and

2710 (11) In accordance with the provisions of the Interstate Compact on
2711 the Placement of Children pursuant to section 17a-175, identify any
2712 person or persons related to the child or youth by blood, [or] marriage
2713 or law residing out of state who might serve as licensed foster parents
2714 or temporary custodians, and order the Commissioner of Children and
2715 Families to investigate and determine, within a reasonable time, the
2716 appropriateness of placing the child or youth with such relative or
2717 relatives.

2718 Sec. 118. Section 46b-160 of the general statutes is repealed and the
2719 following is substituted in lieu thereof (*Effective January 1, 2022*):

2720 [(a) (1) (A) Proceedings to establish paternity of a child born or
2721 conceived out of lawful wedlock, including one born to, or conceived
2722 by, a married woman but begotten by a man other than her husband,
2723 shall be commenced by the service on the putative father of a verified
2724 petition of the mother or expectant mother. Such petition may be
2725 brought at any time prior to the child's eighteenth birthday, provided
2726 liability for past support shall be limited to the three years next
2727 preceding the date of the filing of any such petition.

2728 (B) In cases involving public assistance recipients, the petition shall
2729 also be served upon the Attorney General who shall be and remain a
2730 party to any paternity proceeding and to any proceedings after
2731 judgment in such action.

2732 (2) The verified petition, summons and order shall be filed in the
2733 superior court for the judicial district in which either she or the putative
2734 father resides, except that in IV-D support cases, as defined in
2735 subdivision (13) of subsection (b) of section 46b-231, and in petitions
2736 brought under sections 46b-301 to 46b-425, inclusive, such petition shall
2737 be filed with the clerk for the Family Support Magistrate Division
2738 serving the judicial district where either she or the putative father
2739 resides.]

2740 [(3) (A) The] (a) (1) (A) Except for petitions in uncontested actions
2741 brought pursuant to sections 59, 70 and 74 of this act, when a petition to
2742 adjudicate parentage pursuant to section 37 of this act or sections 40 to
2743 77, inclusive, of this act, is filed, the court, or any judge or family support
2744 magistrate assigned to [said] the court, shall cause a summons, signed
2745 by such judge or magistrate, by the clerk of [said] the court, or by a
2746 commissioner of the Superior Court to be issued, requiring the [putative
2747 father] alleged parent to appear in court at a time and place as
2748 determined by the clerk but not more than ninety days after the issuance
2749 of the summons to show cause why the request for relief in such petition
2750 should not be granted.

2751 (B) A state marshal, proper officer or investigator shall make due
2752 return of process to the court not less than twenty-one days before the
2753 date assigned for hearing. In the case of a child or [expectant mother]
2754 pregnant person being supported wholly or in part by the state, service
2755 of such petition may be made by any investigator employed by the
2756 Department of Social Services and any proper officer authorized by law.

2757 [(4)] (2) If the [putative father] alleged parent fails to appear in court
2758 at such time and place, the court or family support magistrate shall hear
2759 the petitioner and, upon a finding that process was served on the
2760 [putative father] alleged parent, shall enter a default judgment of
2761 [paternity] parentage against such [father] parent and such other orders
2762 as the facts may warrant. [Such] In addition, such court or family
2763 support magistrate may order [continuance of] that such hearing [; and
2764 if such mother or expectant mother continues constant in her accusation,

2765 it shall be evidence that the respondent is the father of such child] be
2766 continued. The court or family support magistrate shall, upon motion
2767 by a party, issue an order for temporary support of the child by the
2768 respondent pending a final judgment of the issue of [paternity]
2769 parentage if such court or magistrate finds that there is clear and
2770 convincing evidence of [paternity] parentage which evidence in cases
2771 involving alleged genetic parents shall include, but not be limited to,
2772 genetic test results [indicating a ninety-nine per cent or greater
2773 probability that such respondent is the father of the child] that meet the
2774 requirements of section 45 of this act.

2775 (b) If the [putative father] alleged parent resides out of or is absent
2776 from the state, notice required for the exercise of jurisdiction over such
2777 [putative father] alleged parent shall be actual notice, and shall be in the
2778 manner prescribed for personal service of process by the law of the place
2779 in which service is made.

2780 (c) In any proceeding to establish [paternity] parentage, the court or
2781 family support magistrate may exercise personal jurisdiction over a
2782 nonresident [putative father] alleged parent if the court or magistrate
2783 finds that the [putative father] alleged parent was personally served in
2784 this state or that the [putative father] alleged parent resided in this state
2785 and while residing in this state (1) paid prenatal expenses for the
2786 [mother] birth parent and support for the child, (2) resided with the
2787 child and held himself or herself out as the [father] parent of the child,
2788 or (3) paid support for the child and held himself or herself out as the
2789 [father] parent of the child, provided the nonresident [putative father]
2790 alleged parent has received actual notice of the pending petition for
2791 [paternity] parentage pursuant to this subsection. [(c) of this section.]

2792 (d) The petition, when served pursuant to subsection (c) of this
2793 section, shall be accompanied by an answer form, a notice to the
2794 [putative father] alleged parent and an application for appointment of
2795 counsel, written in clear and simple language designed for use by pro
2796 se defendants.

2797 (e) (1) The answer form shall require the [putative father] alleged

2798 parent to indicate whether [he] the alleged parent admits or denies that
2799 [he is the father, denies that he is the father] the alleged parent is a parent
2800 or does not know whether [he is the father] the alleged parent is a parent
2801 of the child. Any response to the answer form shall not be deemed to
2802 waive any jurisdictional defense.

2803 (2) The notice to the [putative father shall inform him] alleged parent
2804 shall inform the alleged parent that (A) [he] the alleged parent has a
2805 right to be represented by an attorney, and if [he] the alleged parent is
2806 indigent, the court will appoint an attorney for [him] such parent, (B) if
2807 [he] the alleged parent is found to be the [father, he] parent, the alleged
2808 parent will be required to financially support the child until the child
2809 attains the age of eighteen years, (C) if [he] the alleged parent does not
2810 admit [he is the father] parentage and such person is alleged to be a
2811 genetic parent, the court or family support magistrate may, pursuant to
2812 section 44 of this act, order a genetic test to determine [paternity]
2813 parentage and that the cost of such test shall be paid by the state in IV-
2814 D support cases, and in non-IV-D cases shall be paid by the petitioner,
2815 except that if [he] the alleged parent is subsequently adjudicated to be
2816 the [father] parent of the child, [he] such person shall be liable to the
2817 state or the petitioner, as the case may be, for the amount of such cost,
2818 and (D) if [he] the alleged parent fails to return the answer form or fails
2819 to appear for a scheduled genetic test without good cause, a default
2820 judgment of parentage shall be entered.

2821 (3) The application for appointment of counsel shall include a
2822 financial affidavit.

2823 (f) If the court or family support magistrate may exercise personal
2824 jurisdiction over the nonresident [putative father] alleged parent
2825 pursuant to subsection (d) of this section and the answer form is
2826 returned and the [putative father] alleged parent does not admit
2827 [paternity] parentage, in cases in which the alleged parent is an alleged
2828 genetic parent, the court shall order [the mother, the child and the
2829 putative father to submit to] genetic tests pursuant to section 42 of this
2830 act. Such order shall be served upon the [putative father] alleged parent

2831 in the same manner as provided in subsection (c) of this section. [The
2832 genetic test of the putative father, unless he requests otherwise,] Unless
2833 the alleged genetic parent requests otherwise, the genetic test of the
2834 alleged genetic parent shall be made in the state where the [putative
2835 father] alleged genetic parent resides at a location convenient to him or
2836 her. The costs of such test shall be paid by the state in IV-D support
2837 cases, and in non-IV-D cases shall be paid by the petitioner, except that
2838 if the [putative father] alleged genetic parent is subsequently
2839 adjudicated the [father] parent of the child, [he] such person shall be
2840 liable to the state or the petitioner, as the case may be, for the amount of
2841 the costs.

2842 (g) The court or family support magistrate shall enter a default
2843 judgment against a nonresident [putative father] alleged parent if such
2844 [putative father] alleged parent (1) fails to answer or otherwise respond
2845 to the petition, or (2) in cases in which the alleged parent is an alleged
2846 genetic parent, fails to appear for a scheduled genetic test without good
2847 cause, provided a default judgment shall not be entered against a
2848 nonresident [putative father] alleged parent unless (A) there is evidence
2849 that the nonresident [putative father] alleged parent has received actual
2850 notice of the petition pursuant to subsection [(c)] (b) of this section and
2851 (B) there is verification that the process served upon the [putative father]
2852 alleged parent included the answer form, notice to the defendant and an
2853 application for appointment of counsel required by subsection [(e)] (d)
2854 of this section. Upon entry of a default judgment, a copy of the judgment
2855 and a form for a motion to reopen shall be served upon the [father]
2856 adjudicated parent in the same manner as provided in subsection [(c)]
2857 (b) of this section.

2858 Sec. 119. Section 46b-161 of the general statutes is repealed and the
2859 following is substituted in lieu thereof (*Effective January 1, 2022*)

2860 In the case of any such petition brought prior to the birth of the child,
2861 no final trial on the issue of [paternity] the alleged parent's parentage
2862 shall be had, except as to hearing on probable cause, until after the birth
2863 of the child. In such hearing on probable cause the court, on the day on

2864 which the defendant has been summoned to appear, shall determine
2865 whether probable cause exists, and if so, the court shall order the
2866 defendant to become bound to the complainant, with surety to appear
2867 on a date certain for final determination, or further continuance as
2868 circumstances may then require.

2869 Sec. 120. Section 46b-162 of the general statutes is repealed and the
2870 following is substituted in lieu thereof (*Effective January 1, 2022*):

2871 The state or any town interested in the support of a child born [out of
2872 wedlock may, if the mother] to parents not married to each other may,
2873 if the parent who gave birth neglects to bring [such] a petition, institute
2874 such proceedings against the [person accused of begetting the child]
2875 alleged parent, and may take up and pursue any petition commenced
2876 by the [mother] parent who gave birth for the maintenance of the child,
2877 if [she] the parent who gave birth fails to prosecute to final judgment.
2878 [Such] The petition may be made by the Commissioner of Social Services
2879 or the town welfare administrator on information or belief. The [mother
2880 of] parent who gave birth to the child may be subpoenaed for testimony
2881 on the hearing of the petition.

2882 Sec. 121. Section 46b-165 of the general statutes is repealed and the
2883 following is substituted in lieu thereof (*Effective January 1, 2022*):

2884 [The mother of any child for whom adjudication of paternity is
2885 sought in paternity proceedings shall not be excused from testifying
2886 because her evidence may tend to disgrace or incriminate her; nor shall
2887 she thereafter] In parentage proceedings concerning a child for whom
2888 parentage is sought, a parent or alleged parent shall not be prosecuted
2889 for any criminal act about which (1) [she] the parent or alleged parent
2890 testifies in connection with such proceedings, or (2) [she] the parent or
2891 alleged parent makes any statement prior to such proceedings with
2892 respect to the issue of [paternity] parentage.

2893 Sec. 122. Section 46b-168 of the general statutes is repealed and the
2894 following is substituted in lieu thereof (*Effective January 1, 2022*):

2895 [(a) In any proceeding in which the question of paternity is at issue
2896 the court or a family support magistrate, on motion of any party, may
2897 order genetic tests which shall mean deoxyribonucleic acid tests, to be
2898 performed by a hospital, accredited laboratory, qualified physician or
2899 other qualified person designated by the court, to determine whether or
2900 not the putative father or husband is the father of the child. The results
2901 of such tests, whether ordered under this section or required by the IV-
2902 D agency under section 46b-168a, shall be admissible in evidence to
2903 either establish definite exclusion of the putative father or husband or
2904 as evidence that he is the father of the child without the need for
2905 foundation testimony or other proof of authenticity or accuracy, unless
2906 objection is made in writing not later than twenty days prior to the
2907 hearing at which such results may be introduced in evidence.

2908 (b) In any proceeding in which the question of paternity is at issue,
2909 the results of such genetic tests, whether ordered under this section or
2910 required by the IV-D agency under section 46b-168a, shall constitute a
2911 rebuttable presumption that the putative father is the father of the child
2912 if the results of such tests indicate a ninety-nine per cent or greater
2913 probability that he is the father of the child, provided the petitioner has
2914 presented evidence that sexual intercourse occurred between the
2915 mother and the putative father during the period of time in which the
2916 child was conceived.]

2917 [(c)] The costs of [making tests provided by this section] genetic tests
2918 carried out pursuant to the Connecticut Parentage Act shall be
2919 chargeable against the party making the motion for genetic tests,
2920 provided if the court finds that such party is a low-income obligor, as
2921 defined in the child support guidelines established pursuant to section
2922 46b-215a, or is otherwise indigent and unable to pay such costs, such
2923 costs shall be paid by the state.

2924 Sec. 123. Section 46b-168a of the general statutes is repealed and the
2925 following is substituted in lieu thereof (*Effective January 1, 2022*):

2926 (a) In any IV-D support case, as defined in subdivision (13) of
2927 subsection (b) of section 46b-231, in which the [paternity] parentage of a

2928 child is at issue, or in any case in which a support enforcement agency
2929 is providing services to a petitioner in a proceeding under sections 46b-
2930 301 to 46b-425, inclusive, in which the [paternity] parentage of a child is
2931 at issue, the IV-D agency or the support enforcement agency shall
2932 require the child and all other parties other than individuals who have
2933 good cause for refusing to cooperate or who are subject to other
2934 exceptions to submit to genetic tests [which shall mean
2935 deoxyribonucleic acid tests, to be performed by a hospital, accredited
2936 laboratory, qualified physician or other qualified person designated by
2937 such agency] in accordance with sections 40 to 50, inclusive, of this act,
2938 to determine whether or not the [putative father or husband is the father
2939 of the child] alleged genetic parent is the genetic parent of the child,
2940 upon the request of any such party, provided such request is supported
2941 by a sworn statement by the party which either (1) alleges [paternity]
2942 parentage and sets forth facts establishing a reasonable possibility of the
2943 requisite sexual contact between the parties, or (2) denies [paternity]
2944 parentage and sets forth facts establishing a reasonable possibility of the
2945 nonexistence of sexual contact between the parties.

2946 (b) The costs of making the tests provided by this section shall be paid
2947 by the state, except that if the [putative father] alleged genetic parent is
2948 the requesting party and [he] subsequently acknowledges [paternity]
2949 parentage or is adjudicated to be the [father] parent of the child, [he]
2950 such person shall be liable to the state for the amount of such costs
2951 unless [he] such person is found to be (1) a low-income obligor, as
2952 defined in the child support guidelines established pursuant to section
2953 46b-215a, or (2) otherwise indigent and unable to pay such costs. Any
2954 court or family support magistrate may order a [father] person who is
2955 found liable for genetic testing costs under this subsection to reimburse
2956 the state for the amount of such costs. The contesting party shall make
2957 advance payment for any additional testing required in the event of a
2958 contest of the original test results.

2959 (c) The Commissioner of Social Services shall adopt regulations, in
2960 accordance with the provisions of chapter 54, to establish criteria for
2961 determining (1) good cause or other exceptions for refusing to cooperate

2962 under subsection (a) of this section, which shall include, but not be
2963 limited to, domestic violence, sexual abuse and lack of information and
2964 shall take into account the best interests of the child, and (2) the
2965 sufficiency of the facts establishing a reasonable possibility of the
2966 existence or nonexistence of the requisite sexual contact between the
2967 parties, as required under subsection (a) of this section.

2968 Sec. 124. Section 46b-169 of the general statutes is repealed and the
2969 following is substituted in lieu thereof (*Effective January 1, 2022*):

2970 (a) If the [mother] birth parent of any child born [out of wedlock, or
2971 the mother of any child born to any married woman during marriage
2972 which child shall be found not to be issue of the marriage terminated by
2973 a decree of divorce or dissolution or by decree of any court of competent
2974 jurisdiction] to parents unmarried to each other, fails or refuses to
2975 disclose the name of the [putative father] alleged genetic parent of such
2976 child under oath to the Commissioner of Social Services, if such child is
2977 a recipient of public assistance, or otherwise to a guardian or a guardian
2978 ad litem of such child, such [mother] birth parent may be cited to appear
2979 before any judge of the Superior Court and compelled to disclose the
2980 name of the [putative father] alleged genetic parent under oath and to
2981 institute an action to establish the [paternity of said] parentage of such
2982 child. The criteria adopted by the Commissioner of Social Services
2983 pursuant to subsection (c) of section 46b-168a, as amended by this act,
2984 shall apply to establish good cause or other exceptions for refusing to
2985 cooperate with the provisions of this subsection.

2986 (b) Any [woman] birth parent who, having been cited to appear
2987 before a judge of the Superior Court pursuant to subsection (a) of this
2988 section, fails to appear or fails to disclose or fails to [prosecute a
2989 paternity] proceed with a parentage action may be found to be in
2990 contempt of court and may be fined not more than two hundred dollars
2991 or imprisoned not more than one year, or both.

2992 Sec. 125. Section 46b-170 of the general statutes is repealed and the
2993 following is substituted in lieu thereof (*Effective January 1, 2022*):

2994 No petition under section 46b-160, as amended by this act, shall be
2995 withdrawn except upon approval of a judge or in IV-D support cases as
2996 defined in subsection (b) of section 46b-231, as amended by this act, and
2997 petitions brought under sections 46b-301 to 46b-425, inclusive, the
2998 family support magistrate assigned to the judicial district in which the
2999 petition was brought. Any agreement of settlement, before or after a
3000 petition has been brought, other than an agreement made under the
3001 provisions of section 46b-172, as amended by this act, between the
3002 [mother and putative father] parent who gave birth and an alleged
3003 parent shall take effect only upon approval of the terms thereof by a
3004 judge of the Superior Court, or family support magistrate assigned to
3005 the judicial district in which the [mother or the putative father] parent
3006 who gave birth or the alleged parent resides and, in the case of children
3007 supported by the state or the town, on the approval of the Commissioner
3008 of Social Services or the Attorney General. When so approved, such
3009 agreements shall be binding upon all persons executing them, whether
3010 such person is a minor or an adult.

3011 Sec. 126. Subsections (a) and (b) of section 46b-171 of the general
3012 statutes are repealed and the following is substituted in lieu thereof
3013 (*Effective January 1, 2022*):

3014 (a) (1) (A) If the defendant is found to be the [father] parent of the
3015 child, the court or family support magistrate shall order the defendant
3016 to stand charged with the support and maintenance of such child, with
3017 the assistance of [the mother if such mother] any other parent if such
3018 parent is financially able, as the court or family support magistrate finds,
3019 in accordance with the provisions of subsection (b) of section 17b-179,
3020 or section 17a-90, 17b-81, 17b-223, 17b-745, 46b-129, as amended by this
3021 act, 46b-130 or 46b-215, as amended by this act, to be reasonably
3022 commensurate with the financial ability of the defendant, and to pay a
3023 certain sum periodically until the child attains the age of eighteen years
3024 or as otherwise provided in this subsection. If such child is unmarried
3025 and a full-time high school student, such support shall continue
3026 according to the parents' respective abilities, if such child is in need of
3027 support, until such child completes the twelfth grade or attains the age

3028 of nineteen, whichever occurs first.

3029 (B) The court or family support magistrate shall order the defendant
3030 to pay such sum to the complainant, or, if a town or the state has paid
3031 such expense, to the town or the state, as the case may be, and shall grant
3032 execution for the same and costs of suit taxed as in other civil actions,
3033 together with a reasonable attorney's fee, and may require the defendant
3034 to become bound with sufficient surety to perform such orders for
3035 support and maintenance. In IV-D support cases, the IV-D agency or a
3036 support enforcement agency under cooperative agreement with the IV-
3037 D agency may, upon notice to the obligor and obligee, redirect payments
3038 for the support of any child receiving child support enforcement
3039 services either to the state of Connecticut or to the present custodial
3040 party, as their interests may appear, provided neither the obligor nor the
3041 obligee objects in writing within ten business days from the mailing date
3042 of such notice. Any such notice shall be sent by first class mail to the
3043 most recent address of such obligor and obligee, as recorded in the state
3044 case registry pursuant to section 46b-218, as amended by this act, and a
3045 copy of such notice shall be filed with the court or family support
3046 magistrate if both the obligor and obligee fail to object to the redirected
3047 payments within ten business days from the mailing date of such notice.
3048 All payments made shall be distributed as required by Title IV-D of the
3049 Social Security Act.

3050 (2) In addition, the court or family support magistrate shall include
3051 in each support order in a IV-D support case a provision for the health
3052 care coverage of the child. Such provision may include an order for
3053 either parent or both parents to provide such coverage under any or all
3054 of subparagraphs (A), (B) or (C) of this subdivision.

3055 (A) The provision for health care coverage may include an order for
3056 either parent to name any child as a beneficiary of any medical or dental
3057 insurance or benefit plan carried by such parent or available to such
3058 parent at a reasonable cost as described in subparagraph (D) of this
3059 subdivision. If such order requires the parent to maintain insurance
3060 available through an employer, the order shall be enforced using a

3061 National Medical Support Notice as provided in section 46b-88.

3062 (B) The provision for health care coverage may include an order for
3063 either parent to: (i) Apply for and maintain coverage on behalf of the
3064 child under the HUSKY Plan, Part B; or (ii) provide cash medical
3065 support, as described in subparagraphs (E) and (F) of this subdivision.
3066 An order under this subparagraph shall be made only if the cost to the
3067 parent obligated to maintain coverage under the HUSKY Plan, Part B,
3068 or provide cash medical support is reasonable, as described in
3069 subparagraph (D) of this subdivision. An order under clause (i) of this
3070 subparagraph shall be made only if insurance coverage as described in
3071 subparagraph (A) of this subdivision is unavailable at reasonable cost to
3072 either parent, or inaccessible to the child.

3073 (C) An order for payment of the child's medical and dental expenses,
3074 other than those described in clause (ii) of subparagraph (E) of this
3075 subdivision, that are not covered by insurance or reimbursed in any
3076 other manner shall be entered in accordance with the child support
3077 guidelines established pursuant to section 46b-215a.

3078 (D) Health care coverage shall be deemed reasonable in cost if: (i) The
3079 parent obligated to maintain such coverage would qualify as a low-
3080 income obligor under the child support guidelines established pursuant
3081 to section 46b-215a, based solely on such parent's income, and the cost
3082 does not exceed five per cent of such parent's net income; or (ii) the
3083 parent obligated to maintain such coverage would not qualify as a low-
3084 income obligor under such guidelines and the cost does not exceed
3085 seven and one-half per cent of such parent's net income. In either case,
3086 net income shall be determined in accordance with the child support
3087 guidelines established pursuant to section 46b-215a. If a parent
3088 obligated to maintain insurance must obtain coverage for himself or
3089 herself to comply with the order to provide coverage for the child,
3090 reasonable cost shall be determined based on the combined cost of
3091 coverage for such parent and such child.

3092 (E) Cash medical support means (i) an amount ordered to be paid
3093 toward the cost of premiums for health insurance coverage provided by

3094 a public entity, including the HUSKY Plan, Part A or Part B, except as
3095 provided in subparagraph (F) of this subdivision, or by another parent
3096 through employment or otherwise, or (ii) an amount ordered to be paid,
3097 either directly to a medical provider or to the person obligated to pay
3098 such provider, toward any ongoing extraordinary medical and dental
3099 expenses of the child that are not covered by insurance or reimbursed in
3100 any other manner, provided such expenses are documented and
3101 identified specifically on the record. Cash medical support, as described
3102 in clauses (i) and (ii) of this subparagraph, may be ordered in lieu of an
3103 order under subparagraph (A) of this subdivision to be effective until
3104 such time as health insurance that is accessible to the child and
3105 reasonable in cost becomes available, or in addition to an order under
3106 subparagraph (A) of this subdivision, provided the total cost to the
3107 obligated parent of insurance and cash medical support is reasonable,
3108 as described in subparagraph (D) of this subdivision. An order for cash
3109 medical support shall be payable to the state or the custodial party, as
3110 their interests may appear, provided an order under clause (i) of this
3111 subparagraph shall be effective only as long as health insurance
3112 coverage is maintained. Any unreimbursed medical and dental
3113 expenses not covered by an order pursuant to clause (ii) of this
3114 subparagraph are subject to an order for unreimbursed medical and
3115 dental expenses pursuant to subparagraph (C) of this subdivision.

3116 (F) Cash medical support to offset the cost of any insurance payable
3117 under the HUSKY Plan, Part A or Part B, shall not be ordered against a
3118 noncustodial parent who is a low-income obligor, as defined in the child
3119 support guidelines established pursuant to section 46b-215a, or against
3120 a custodial parent of children covered under the HUSKY Plan, Part A or
3121 Part B.

3122 (3) The court or family support magistrate may also make and enforce
3123 orders for the payment by any person named herein of past-due support
3124 for which the defendant is liable in accordance with the provisions of
3125 section 17a-90 or 17b-81, subsection (b) of section 17b-179 or section 17b-
3126 223, 46b-129, as amended by this act, or 46b-130 and, in IV-D cases, order
3127 such person, provided such person is not incapacitated, to participate in

3128 work activities which may include, but shall not be limited to, job search,
3129 training, work experience and participation in the job training and
3130 retraining program established by the Labor Commissioner pursuant to
3131 section 31-3t. The defendant's liability for past-due support under this
3132 subdivision shall be limited to the three years next preceding the filing
3133 of the petition.

3134 (4) If the defendant fails to comply with any order made under this
3135 section, the court or family support magistrate may commit the
3136 defendant to a community correctional center, there to remain until the
3137 defendant complies therewith; but, if it appears that the [mother] parent
3138 receiving support does not apply the periodic allowance paid by the
3139 defendant toward the support of such child, and that such child is
3140 chargeable, or likely to become chargeable, to the town where it belongs,
3141 the court, on application, may discontinue such allowance to the
3142 [mother] parent receiving support, and may direct [it] such allowance
3143 to be paid to the selectmen of such town, for such support, and may
3144 issue execution in their favor for the same. The provisions of section
3145 17b-743 shall apply to this section. The clerk of the court which has
3146 rendered judgment for the payment of money for the maintenance of
3147 any child under the provisions of this section shall, within twenty-four
3148 hours after such judgment has been rendered, notify the selectmen of
3149 the town where the child belongs.

3150 (5) Any support order made under this section may at any time
3151 thereafter be set aside, altered or modified by any court issuing such
3152 order upon a showing of a substantial change in the circumstances of
3153 the defendant or [the mother] another parent of such child or upon a
3154 showing that such order substantially deviates from the child support
3155 guidelines established pursuant to section 46b-215a, unless there was a
3156 specific finding on the record that the application of the guidelines
3157 would be inequitable or inappropriate. There shall be a rebuttable
3158 presumption that any deviation of less than fifteen per cent from the
3159 child support guidelines is not substantial and any deviation of fifteen
3160 per cent or more from the guidelines is substantial. [Modification may
3161 be made of such support order without regard to whether the order was

3162 issued before, on or after May 9, 1991.] No such support orders may be
3163 subject to retroactive modification, except that the court may order
3164 modification with respect to any period during which there is a pending
3165 motion for a modification of an existing support order from the date of
3166 service of the notice of such pending motion upon the opposing party
3167 pursuant to section 52-50.

3168 (6) Failure of the defendant to obey any order for support made under
3169 this section may be punished as for contempt of court and the costs of
3170 commitment of any person imprisoned therefor shall be paid by the
3171 state as in criminal cases.

3172 (b) Whenever the Superior Court or family support magistrate
3173 reopens a judgment of [paternity] parentage entered pursuant to this
3174 section in which a person was found to be the [father] parent of a child
3175 who is or has been supported by the state and the court or family
3176 support magistrate finds that the person adjudicated the [father] parent
3177 is not the [father] parent of the child, the Department of Social Services
3178 shall refund to such person any money paid to the state by such person
3179 during the period such child was supported by the state.

3180 Sec. 127. Section 46b-172 of the general statutes is repealed and the
3181 following is substituted in lieu thereof (*Effective January 1, 2022*):

3182 [(a) (1) In lieu of or in conclusion of proceedings under section 46b-
3183 160, a written acknowledgment of paternity executed and sworn to by
3184 the putative father of the child when accompanied by (A) an attested
3185 waiver of the right to a blood test, the right to a trial and the right to an
3186 attorney, (B) a written affirmation of paternity executed and sworn to
3187 by the mother of the child, and (C) if the person subject to the
3188 acknowledgment of paternity is an adult eighteen years of age or older,
3189 a notarized affidavit affirming consent to the voluntary
3190 acknowledgment of paternity, shall have the same force and effect as a
3191 judgment of the Superior Court. It shall be considered a legal finding of
3192 paternity without requiring or permitting judicial ratification, and shall
3193 be binding on the person executing the same whether such person is an
3194 adult or a minor, subject to subdivision (2) of this subsection. Such

3195 acknowledgment shall not be binding unless, prior to the signing of any
3196 affirmation or acknowledgment of paternity, the mother and the
3197 putative father are given oral and written notice of the alternatives to,
3198 the legal consequences of, and the rights and responsibilities that arise
3199 from signing such affirmation or acknowledgment. The notice to the
3200 mother shall include, but shall not be limited to, notice that the
3201 affirmation of paternity may result in rights of custody and visitation,
3202 as well as a duty of support, in the person named as father. The notice
3203 to the putative father shall include, but not be limited to, notice that such
3204 father has the right to contest paternity, including the right to
3205 appointment of counsel, a genetic test to determine paternity and a trial
3206 by the Superior Court or a family support magistrate and that
3207 acknowledgment of paternity will make such father liable for the
3208 financial support of the child until the child's eighteenth birthday. In
3209 addition, the notice shall inform the mother and the father that DNA
3210 testing may be able to establish paternity with a high degree of accuracy
3211 and may, under certain circumstances, be available at state expense. The
3212 notices shall also explain the right to rescind the acknowledgment, as
3213 set forth in subdivision (2) of this subsection, including the address
3214 where such notice of rescission should be sent, and shall explain that the
3215 acknowledgment cannot be challenged after sixty days, except in court
3216 upon a showing of fraud, duress or material mistake of fact.

3217 (2) The mother and the acknowledged father shall have the right to
3218 rescind such affirmation or acknowledgment in writing within the
3219 earlier of (A) sixty days, or (B) the date of an agreement to support such
3220 child approved in accordance with subsection (b) of this section or an
3221 order of support for such child entered in a proceeding under subsection
3222 (c) of this section. An acknowledgment executed in accordance with
3223 subdivision (1) of this subsection may be challenged in court or before a
3224 family support magistrate after the rescission period only on the basis
3225 of fraud, duress or material mistake of fact which may include evidence
3226 that he is not the father, with the burden of proof upon the challenger.
3227 During the pendency of any such challenge, any responsibilities arising
3228 from such acknowledgment shall continue except for good cause
3229 shown.

3230 (3) All written notices, waivers, affirmations and acknowledgments
3231 required under subdivision (1) of this subsection, and rescissions
3232 authorized under subdivision (2) of this subsection, shall be on forms
3233 prescribed by the Department of Public Health, provided such
3234 acknowledgment form includes the minimum requirements specified
3235 by the Secretary of the United States Department of Health and Human
3236 Services. All acknowledgments and rescissions executed in accordance
3237 with this subsection shall be filed in the paternity registry established
3238 and maintained by the Department of Public Health under section 19a-
3239 42a.

3240 (4) An acknowledgment of paternity signed in any other state
3241 according to its procedures shall be given full faith and credit by this
3242 state.]

3243 [(b)] (a) (1) An agreement to support the child by payment of a
3244 periodic sum until the child attains the age of eighteen years or as
3245 otherwise provided in this subsection, together with provisions for
3246 reimbursement for past-due support based upon ability to pay in
3247 accordance with the provisions of section 17a-90 or 17b-81, subsection
3248 (b) of section 17b-179 or section 17b-223, 46b-129, as amended by this
3249 act, or 46b-130, and reasonable expense of prosecution of the petition,
3250 when filed with and approved by a judge of the Superior Court, or in
3251 IV-D support cases and matters brought under sections 46b-301 to 46b-
3252 425, inclusive, a family support magistrate at any time, shall have the
3253 same force and effect, retroactively or prospectively in accordance with
3254 the terms of the agreement, as an order of support entered by the court,
3255 and shall be enforceable and subject to modification in the same manner
3256 as is provided by law for orders of the court in such cases. If such child
3257 is unmarried and a full-time high school student, such support shall
3258 continue according to the parents' respective abilities to pay, if such
3259 child is in need of support, until such child completes the twelfth grade
3260 or attains the age of nineteen, whichever occurs first.

3261 (2) Past-due support in such cases shall be limited to the three years
3262 next preceding the date of the filing of such agreements to support.

3263 (3) Payments under such agreement shall be made to the petitioner,
3264 except that in IV-D support cases, as defined in subsection (b) of section
3265 46b-231, as amended by this act, payments shall be made to the Office
3266 of Child Support Services or its designated agency and distributed as
3267 required by Title IV-D of the Social Security Act. In IV-D support cases,
3268 the IV-D agency or a support enforcement agency under cooperative
3269 agreement with the IV-D agency may, upon notice to the obligor and
3270 obligee, redirect payments for the support of any child receiving child
3271 support enforcement services either to the state of Connecticut or to the
3272 present custodial party, as their interests may appear, provided neither
3273 the obligor nor the obligee objects in writing within ten business days
3274 from the mailing date of such notice. Any such notice shall be sent by
3275 first class mail to the most recent address of such obligor and obligee, as
3276 recorded in the state case registry pursuant to section 46b-218, as
3277 amended by this act, and a copy of such notice shall be filed with the
3278 court or family support magistrate if both the obligor and obligee fail to
3279 object to the redirected payments within ten business days from the
3280 mailing date of such notice.

3281 (4) Such written agreements to support shall be sworn to, and shall
3282 be binding on the person executing the same whether he is an adult or
3283 a minor.

3284 [(c)] (b) (1) At any time after the signing of any acknowledgment of
3285 [paternity] parentage, upon the application of any interested party, the
3286 court or any judge thereof or any family support magistrate in IV-D
3287 support cases and in matters brought under sections 46b-301 to 46b-425,
3288 inclusive, shall cause a summons, signed by such judge or family
3289 support magistrate, by the clerk of the court or by a commissioner of the
3290 Superior Court, to be issued, requiring the acknowledged [father]
3291 parent to appear in court at a time and place as determined by the clerk
3292 but not more than ninety days after the issuance of the summons, to
3293 show cause why the court or the family support magistrate assigned to
3294 the judicial district in IV-D support cases should not enter judgment for
3295 support of the child by payment of a periodic sum until the child attains
3296 the age of eighteen years or as otherwise provided in this subsection,

3297 together with provision for reimbursement for past-due support based
3298 upon ability to pay in accordance with the provisions of section 17a-90
3299 or 17b-81, subsection (b) of section 17b-179 or section 17b-223, 46b-129,
3300 as amended by this act, or 46b-130, a provision for health coverage of
3301 the child as required by section 46b-215, as amended by this act, and
3302 reasonable expense of the action under this subsection. If such child is
3303 unmarried and a full-time high school student such support shall
3304 continue according to the parents' respective abilities to pay, if such
3305 child is in need of support, until such child completes the twelfth grade
3306 or attains the age of nineteen, whichever occurs first.

3307 (2) Past-due support in such cases shall be limited to the three years
3308 next preceding the filing of a petition pursuant to this section. Such court
3309 or family support magistrate, in IV-D support cases, may also order the
3310 acknowledged [father] parent who is subject to a plan for
3311 reimbursement of past-due support and is not incapacitated to
3312 participate in work activities which may include, but shall not be limited
3313 to, job search, training, work experience and participation in the job
3314 training and retraining program established by the Labor
3315 Commissioner pursuant to section 31-3t.

3316 (3) Proceedings to obtain such orders of support shall be commenced
3317 by the service of such summons on the acknowledged [father] parent. A
3318 state marshal or proper officer shall make due return of process to the
3319 court not less than twenty-one days before the date assigned for hearing.

3320 (4) The prior judgment as to paternity shall be res judicata as to that
3321 issue for all paternity acknowledgments filed with the court on or after
3322 March 1, 1981, but before July 1, 1997, and shall not be reconsidered by
3323 the court unless the person seeking review of the acknowledgment
3324 petitions the superior court for the judicial district having venue for a
3325 hearing on the issue of paternity within three years of such judgment.
3326 In addition to such review, if the acknowledgment of paternity was filed
3327 prior to March 1, 1981, the acknowledgment of paternity may be
3328 reviewed by denying the allegation of paternity in response to the initial
3329 petition for support, whenever it is filed.

3330 (5) All payments under this subsection shall be made to the
3331 petitioner, except that in IV-D support cases, as defined in subsection
3332 (b) of section 46b-231, as amended by this act, payments shall be made
3333 to the state, acting by and through the IV-D agency and distributed as
3334 required by Title IV-D of the Social Security Act. In IV-D support cases,
3335 the IV-D agency or a support enforcement agency under cooperative
3336 agreement with the IV-D agency may, upon notice to the obligor and
3337 obligee, redirect payments for the support of any child receiving child
3338 support enforcement services either to the state of Connecticut or to the
3339 present custodial party, as their interests may appear, provided neither
3340 the obligor nor the obligee objects in writing within ten business days
3341 from the mailing date of such notice. Any such notice shall be sent by
3342 first class mail to the most recent address of such obligor and obligee, as
3343 recorded in the state case registry pursuant to section 46b-218, as
3344 amended by this act, and a copy of such notice shall be filed with the
3345 court or family support magistrate if both the obligor and obligee fail to
3346 object to the redirected payments within ten business days from the
3347 mailing date of such notice.

3348 [(d) Whenever a petition is filed for review of an acknowledgment of
3349 paternity of a child who is or has been supported by the state, and
3350 review of such acknowledgment of paternity is granted by the court
3351 pursuant to subsection (c) of this section, and upon review, the court or
3352 family support magistrate finds that the petitioner is not the father of
3353 the child, the Department of Social Services shall refund to the petitioner
3354 any money paid by the petitioner to the state during any period such
3355 child was supported by the state.]

3356 [(e)] (c) In IV-D support cases, as defined in subdivision (13) of
3357 subsection (b) of section 46b-231, a copy of any support order
3358 established pursuant to this section shall be provided to each party and
3359 the state case registry within fourteen days after issuance of such order
3360 or determination.

3361 Sec. 128. Section 46b-172a of the general statutes is repealed and the
3362 following is substituted in lieu thereof (*Effective January 1, 2022*):

3363 (a) Any person claiming to be the [father of a child born out of
3364 wedlock may] alleged genetic parent of a child born to an unmarried
3365 birth parent and for whom parentage of the nonbirth parent has not yet
3366 been established shall file a claim for [paternity] parentage with the
3367 Probate Court for the district in which either the [mother] birth parent
3368 or the child resides, on forms provided by such court. The claim may be
3369 filed at any time during the life of the child, whether before, on or after
3370 the date the child reaches the age of eighteen, or after the death of the
3371 child, but not later than sixty days after the date of notice under section
3372 45a-716, as amended by this act. The claim shall contain the claimant's
3373 name and address, the name and last-known address of the [mother]
3374 birth parent and the month and year of the birth or expected birth of the
3375 child. Not later than five days after the filing of a claim for [paternity]
3376 parentage, the court shall cause a certified copy of such claim to be
3377 served upon the [mother or prospective mother] birth parent of such
3378 child by personal service or service at [her] the birth parent's usual place
3379 of abode, and to the Attorney General by first class mail. The Attorney
3380 General may file an appearance and shall be and remain a party to the
3381 action if the child is receiving or has received aid or care from the state,
3382 or if the child is receiving child support enforcement services, as defined
3383 in subdivision (2) of subsection (b) of section 46b-231, as amended by
3384 this act. The claim for [paternity] parentage shall be admissible in any
3385 action for [paternity] parentage under section 46b-160, as amended by
3386 this act, and shall estop the claimant from denying [his paternity]
3387 parentage of such child and shall contain language that [he] such person
3388 acknowledges liability for contribution to the support and education of
3389 the child after the child's birth and for contribution to the
3390 pregnancy-related medical expenses of the [mother] birth parent.

3391 (b) If a claim for [paternity] parentage is filed by the [father of any
3392 minor child born out of wedlock] alleged genetic parent of any minor
3393 child born to an unmarried birth parent, the Probate Court shall
3394 schedule a hearing on such claim, send notice of the hearing to all parties
3395 involved and proceed accordingly.

3396 (c) The child shall be made a party to the action and shall be

3397 represented by a guardian ad litem appointed by the court in
3398 accordance with section 45a-708. Payment shall be made in accordance
3399 with such section from funds appropriated to the Judicial Department,
3400 except that, if funds have not been included in the budget of the Judicial
3401 Department for such purposes, such payment shall be made from the
3402 Probate Court Administration Fund.

3403 (d) In the event that the [mother or the claimant father] birth parent
3404 or the alleged genetic parent is a minor, the court shall appoint a
3405 guardian ad litem to represent him or her in accordance with the
3406 provisions of section 45a-708. Payment shall be made in accordance with
3407 said section from funds appropriated to the Judicial Department, except
3408 that, if funds have not been included in the budget of the Judicial
3409 Department for such purposes, such payment shall be made from the
3410 Probate Court Administration Fund.

3411 (e) By filing a claim under this section, the [putative father] alleged
3412 genetic parent submits to the jurisdiction of the Probate Court.

3413 (f) Once [alleged] parental rights of the [father] alleged genetic parent
3414 have been adjudicated in [his] such parent's favor under subsection (b)
3415 of this section, or acknowledged as provided for under [section 46b-172,
3416 his] sections 24 to 35, inclusive, of this act, such parent's rights and
3417 responsibilities shall be equivalent to those of the [mother] birth parent,
3418 including those rights defined under section 45a-606. Thereafter,
3419 disputes involving custody, visitation or support shall be transferred to
3420 the Superior Court under chapter 815j, except that the Probate Court
3421 may enter a temporary order for custody, visitation or support until an
3422 order is entered by the Superior Court.

3423 (g) Failing perfection of parental rights as prescribed by this section,
3424 any person claiming to be the [father of a child born out of wedlock]
3425 alleged genetic parent of a child born to an unmarried birth parent (1)
3426 who has not been adjudicated the [father] parent of such child by a court
3427 of competent jurisdiction, or (2) who has not acknowledged in writing
3428 that [he] such person is the [father] parent of such child, or (3) who has
3429 not contributed regularly to the support of such child, or (4) whose name

3430 does not appear on the birth certificate, shall cease to be a legal party in
3431 interest in any proceeding concerning the custody or welfare of the
3432 child, including, but not limited to, guardianship and adoption, unless
3433 [he] such person has shown a reasonable degree of interest, concern or
3434 responsibility for the child's welfare.

3435 (h) Notwithstanding the provisions of this section, after the death of
3436 the [father of a child born out of wedlock] alleged genetic parent of a
3437 child born to an unmarried birth parent, a party deemed by the court to
3438 have a sufficient interest may file a claim for [paternity] parentage on
3439 behalf of such [father] alleged genetic parent with the Probate Court for
3440 the district in which either the [putative father] alleged genetic parent
3441 resided or the party filing the claim resides. If a claim for [paternity]
3442 parentage is filed pursuant to this subsection, the Probate Court shall
3443 schedule a hearing on such claim, send notice of the hearing to all parties
3444 involved and proceed accordingly.

3445 Sec. 129. Section 46b-179 of the general statutes is repealed and the
3446 following is substituted in lieu thereof (*Effective January 1, 2022*):

3447 As used in sections 46b-179a to 46b-179d, inclusive, as amended by
3448 this act, foreign [paternity] parentage judgment means any judgment,
3449 decree or order of a court of any state in the United States, other than a
3450 court of this state, in an action which results in a final determination on
3451 the issue of [paternity] parentage except any such judgment, decree or
3452 order obtained by default in appearance.

3453 Sec. 130. Section 46b-179a of the general statutes is repealed and the
3454 following is substituted in lieu thereof (*Effective January 1, 2022*):

3455 (a) Support Enforcement Services of the Superior Court shall
3456 maintain a registry in the Family Support Magistrate Division of
3457 [paternity] parentage judgments from other states. Any party to an
3458 action in which a [paternity] parentage judgment from another state was
3459 rendered may register the foreign [paternity] parentage judgment in the
3460 registry maintained by Support Enforcement Services without payment
3461 of a filing fee or other cost to the party.

3462 (b) The party shall file a certified copy of the foreign [paternity]
3463 parentage judgment and a certification that such judgment is final and
3464 has not been modified, altered, amended, set aside or vacated and that
3465 the enforcement of such judgment has not been stayed or suspended.
3466 Such certificate shall set forth the full name and last-known address of
3467 the other party to the judgment.

3468 Sec. 131. Section 46b-179b of the general statutes is repealed and the
3469 following is substituted in lieu thereof (*Effective January 1, 2022*):

3470 Such foreign [paternity] parentage judgment, on the filing with the
3471 registry maintained by Support Enforcement Services, shall become a
3472 judgment of the Family Support Magistrate Division of the Superior
3473 Court and shall be enforced and otherwise treated in the same manner
3474 as a judgment of the Family Support Magistrate Division. A foreign
3475 [paternity] parentage judgment so filed shall have the same effect and
3476 may be enforced in the same manner as any like judgment of a family
3477 support magistrate of this state, provided no such judgment shall be
3478 enforced for a period of twenty days after the filing thereof.

3479 Sec. 132. Section 46b-179c of the general statutes is repealed and the
3480 following is substituted in lieu thereof (*Effective January 1, 2022*):

3481 Within five days of the filing of the judgment and certification in
3482 accordance with section 46b-179a, as amended by this act, the party
3483 filing such judgment shall notify the other party to the [paternity]
3484 parentage action of the filing of such judgment by registered mail at his
3485 last-known address or by personal service. The Family Support
3486 Magistrate Division shall not enforce any such foreign [paternity]
3487 parentage judgment until proof of service has been filed with the court.

3488 Sec. 133. Section 46b-179d of the general statutes is repealed and the
3489 following is substituted in lieu thereof (*Effective January 1, 2022*):

3490 If either party files an affidavit with the Family Support Magistrate
3491 Division that an appeal from the foreign [paternity] parentage judgment
3492 is pending in the foreign state, or will be taken, or that a stay of execution

3493 has been granted, the Family Support Magistrate Division will stay
3494 enforcement of the foreign [paternity] parentage judgment until the
3495 appeal is concluded, the time for appeal expires or the stay of execution
3496 expires or is vacated.

3497 Sec. 134. Subdivision (4) of subsection (a) of section 46b-215 of the
3498 general statutes is repealed and the following is substituted in lieu
3499 thereof (*Effective January 1, 2022*):

3500 (4) For purposes of this section, the term "child" shall include one
3501 born [out of wedlock whose father] to parents not married to each other
3502 whose alleged genetic parent has acknowledged in writing [paternity]
3503 parentage of such child or has been adjudged the [father] parent by a
3504 court of competent jurisdiction, or a child who was born before marriage
3505 whose parents afterwards intermarry.

3506 Sec. 135. Subsections (a) and (b) of section 46b-218 of the general
3507 statutes are repealed and the following is substituted in lieu thereof
3508 (*Effective January 1, 2022*):

3509 (a) For purposes of this section:

3510 (1) "Identification and location information" means current
3511 information on the location and identity of a party to any [paternity]
3512 parentage or child support proceeding, including, but not limited to, the
3513 party's Social Security number, residential and mailing addresses,
3514 telephone number, driver's license number, employer's name, address
3515 and telephone number, and such other information as may be required
3516 for the state case registry to comply with federal law and regulations;

3517 (2) ["Paternity or child support proceeding"] "Parentage or child
3518 support proceeding" means any court action or administrative process
3519 authorized by state statute in which the [paternity] parentage or support
3520 of a child is established; and

3521 (3) "State case registry" means the database included in the
3522 automated system established and maintained by the Office of Child
3523 Support Services under subsection (l) of section 17b-179 which database

3524 shall contain information on each support order established or modified
3525 in the state.

3526 (b) Each party to any [paternity] parentage or child support
3527 proceeding shall file identification and location information with the
3528 state case registry upon entry of an order and whenever such
3529 information changes.

3530 Sec. 136. Subdivision (2) of subsection (b) of section 46b-231 of the
3531 general statutes is repealed and the following is substituted in lieu
3532 thereof (*Effective January 1, 2022*):

3533 (2) "Child support enforcement services" means the services provided
3534 by the IV-D agency or an agency under cooperative or purchase of
3535 service agreement therewith pursuant to Title IV-D of the Social Security
3536 Act, including, but not limited to, location; establishment of [paternity]
3537 parentage; establishment, modification and enforcement of child and
3538 medical support orders and the collection and distribution of support
3539 payments;

3540 Sec. 137. Subparagraph (A) of subdivision (2) of subsection (m) of
3541 section 46b-231 of the general statutes is repealed and the following is
3542 substituted in lieu thereof (*Effective January 1, 2022*):

3543 (2) (A) Family support magistrates shall hear and determine matters
3544 involving child and spousal support in IV-D support cases including
3545 petitions for support brought pursuant to sections 17b-81, 17b-179, 17b-
3546 745 and 46b-215, as amended by this act, applications for show cause
3547 orders in IV-D support cases brought pursuant to subsection [(b)] (a) of
3548 section 46b-172, as amended by this act, and actions for interstate
3549 enforcement of child and spousal support and [paternity] parentage
3550 under sections 46b-301 to 46b-425, inclusive, and shall hear and
3551 determine all motions for modifications of child and spousal support in
3552 such cases.

3553 Sec. 138. Subdivision (5) of subsection (m) of section 46b-231 of the
3554 general statutes is repealed and the following is substituted in lieu

3555 thereof (*Effective January 1, 2022*):

3556 (5) [Proceedings to establish paternity in IV-D support cases shall be
3557 filed in the family support magistrate division for the judicial district
3558 where the mother or putative father resides.] Venue for proceedings to
3559 establish parentage in IV-D support cases shall be in accordance with
3560 the provisions of subsection (d) of section 9 of this act. The matter shall
3561 be heard and determined by a family support magistrate in accordance
3562 with the provisions of chapter 815y.

3563 Sec. 139. Subdivision (6) of subsection (m) of section 46b-231 of the
3564 general statutes is repealed and the following is substituted in lieu
3565 thereof (*Effective January 1, 2022*):

3566 (6) Agreements for support obtained in IV-D support cases shall be
3567 filed with the assistant clerk of the family support magistrate division
3568 for the judicial district where [the mother or the father] a parent of the
3569 child resides, pursuant to subsection [(b)] (a) of section 46b-172, as
3570 amended by this act, and shall become effective as an order upon filing
3571 with the clerk. Such support agreements shall be reviewed by a family
3572 support magistrate who shall approve or disapprove the agreement. If
3573 the support agreement filed with the clerk is disapproved by a family
3574 support magistrate, the reason for disapproval shall be stated in the
3575 record and such disapproval shall have a retroactive effect. Upon such
3576 disapproval, the clerk shall schedule a hearing for the purpose of
3577 determining appropriate support amounts and shall notify all
3578 appearing parties of the hearing date.

3579 Sec. 140. Subsection (r) of section 46b-231 of the general statutes is
3580 repealed and the following is substituted in lieu thereof (*Effective January*
3581 *1, 2022*):

3582 (r) Orders for support entered by a family support magistrate shall
3583 have the same force and effect as orders of the Superior Court, except
3584 where otherwise provided in sections 17b-81, 17b-93, 17b-179, 17b-743,
3585 17b-744, 17b-745, and 17b-746, [subsection (a) of section] 46b-55, as
3586 amended by this act, [sections] 46b-59a, 46b-86 and 46b-172, as amended

3587 by this act, this chapter, subsection (b) of section 51-348, section 52-362,
3588 subsection (a) of section 52-362d, subsection (a) of section 52-362e and
3589 subsection (c) of section 53-304, and shall be considered orders of the
3590 Superior Court for the purpose of establishing and enforcing support
3591 orders of the family support magistrate, as provided in sections 17b-81,
3592 17b-93, 17b-179, 17b-745, 52-362, 52-362d, 52-362e and 53-304, as
3593 amended by this act, except as otherwise provided in this section. All
3594 orders for support issued by family support magistrates in any matter
3595 before a magistrate shall contain an order for withholding to enforce
3596 such orders as set forth in section 52-362.

3597 Sec. 141. Subdivision (1) of subsection (u) of section 46b-231 of the
3598 general statutes is repealed and the following is substituted in lieu
3599 thereof (*Effective January 1, 2022*):

3600 (u) (1) The Department of Social Services may in IV-D cases (A) bring
3601 petitions for support orders pursuant to section 46b-215, as amended by
3602 this act, (B) obtain acknowledgments of [paternity] parentage, (C) bring
3603 applications for show cause orders pursuant to section 46b-172, as
3604 amended by this act, (D) file agreements for support with the assistant
3605 clerk of the Family Support Magistrate Division, (E) issue withholding
3606 orders entered by the Superior Court or a family support magistrate in
3607 accordance with subsection (b) of section 52-362, and (F) upon notice to
3608 the obligor and obligee, redirect payments for the support of any child
3609 receiving child support enforcement services either to the state of
3610 Connecticut or to the present custodial party, as their interests may
3611 appear, for distribution in accordance with Title IV-D of the Social
3612 Security Act, provided neither the obligor nor the obligee objects in
3613 writing within ten business days from the mailing date of such notice,
3614 and provided further that any such notice shall be sent by first class mail
3615 to the most recent address of such obligor and obligee, as recorded in
3616 the state case registry pursuant to section 46b-218, as amended by this
3617 act, and a copy of such notice shall be filed with the court or family
3618 support magistrate if both the obligor and obligee fail to object to the
3619 redirected payments within ten business days from the mailing date of
3620 such notice.

3621 Sec. 142. Subsection (a) of section 51-15 of the general statutes is
3622 repealed and the following is substituted in lieu thereof (*Effective January*
3623 *1, 2022*):

3624 (a) In accordance with the provisions of section 51-14, the judges of
3625 the Superior Court shall make such orders and rules as they deem
3626 necessary or advisable concerning the commencement of process and
3627 procedure in flowage petitions, [paternity] parentage proceedings,
3628 replevin, summary process, habeas corpus, mandamus, prohibition, ne
3629 exeat, quo warranto, forcible entry and detainer, peaceable entry and
3630 forcible detainer, for paying rewards, and for the hearing and
3631 determination of small claims, including suitable forms of procedure in
3632 such cases, exclusive of fees.

3633 Sec. 143. Section 52-46a of the general statutes is repealed and the
3634 following is substituted in lieu thereof (*Effective January 1, 2022*):

3635 Process in civil actions returnable to the Supreme Court shall be
3636 returned to its clerk at least twenty days before the return day and, if
3637 returnable to the Superior Court, except process in summary process
3638 actions and petitions for [paternity] parentage and support, to the clerk
3639 of such court at least six days before the return day.

3640 Sec. 144. Subsection (a) of section 52-251d of the general statutes is
3641 repealed and the following is substituted in lieu thereof (*Effective January*
3642 *1, 2022*):

3643 (a) In any civil action to establish [paternity] parentage or to establish,
3644 modify or enforce child support orders in temporary family assistance
3645 cases pursuant to sections 17b-745, 46b-86, 46b-160, as amended by this
3646 act, 46b-171, as amended by this act, 46b-172, as amended by this act,
3647 46b-215, as amended by this act, and 46b-231, as amended by this act,
3648 the court may allow the state, when it is the prevailing party, a
3649 reasonable attorney's fee.

3650 Sec. 145. Subdivision (10) of subsection (a) of section 52-362f of the
3651 general statutes is repealed and the following is substituted in lieu

3652 thereof (*Effective January 1, 2022*):

3653 (10) "Support order" means any order, decree, or judgment for the
3654 support, or for the payment of arrearages on such support, of a child,
3655 spouse, or former spouse issued by a court or agency of another
3656 jurisdiction, whether interlocutory or final, whether or not
3657 prospectively or retroactively modifiable, whether incidental to a
3658 proceeding for divorce, judicial or legal separation, separate
3659 maintenance, parentage or paternity, guardianship, civil protection, or
3660 otherwise.

3661 Sec. 146. Subsection (a) of section 53-304 of the general statutes is
3662 repealed and the following is substituted in lieu thereof (*Effective January*
3663 *1, 2022*):

3664 (a) Any person who neglects or refuses to furnish reasonably
3665 necessary support to the person's spouse, child under the age of
3666 eighteen or parent under the age of sixty-five shall be deemed guilty of
3667 nonsupport and shall be imprisoned not more than one year, unless the
3668 person shows to the court before which the trial is had that, owing to
3669 physical incapacity or other good cause, the person is unable to furnish
3670 such support. The court may suspend the execution of any community
3671 correctional center sentence imposed, upon any terms or conditions that
3672 it deems just, may suspend the execution of the balance of any such
3673 sentence in a like manner, and, in addition to any other sentence or in
3674 lieu thereof, may order that the person convicted shall pay to the
3675 Commissioner of Administrative Services directly or through Support
3676 Enforcement Services of the Superior Court, such support, in such
3677 amount as the court may find commensurate with the necessities of the
3678 case and the ability of such person, for such period as the court shall
3679 determine. Any such order of support may, at any time thereafter, be set
3680 aside or altered by the court for cause shown. Failure of any defendant
3681 to make any payment may be punished as contempt of court and, in
3682 addition thereto or in lieu thereof, the court may order the issuance of a
3683 wage withholding in the same manner as is provided in section 17b-745,
3684 which withholding order shall have the same precedence as is provided

3685 in section 52-362. The amounts withheld under such withholding order
3686 shall be remitted to the Department of Administrative Services by the
3687 person or corporation to whom the withholding order is presented at
3688 such intervals as such withholding order directs. [For the purposes of
3689 this section, "child" includes one born out of wedlock whose father has
3690 acknowledged in writing his paternity of such child or has been
3691 adjudged the father by a court of competent jurisdiction.]

3692 Sec. 147. Section 45a-777 of the general statutes is repealed and the
3693 following is substituted in lieu thereof (*Effective January 1, 2022*):

3694 (a) A child born as a result of [A.I.D.] assisted reproduction, as
3695 defined in section 2 of this act, may inherit the estate of [his mother and
3696 her consenting spouse or their relatives as though he were the natural
3697 child of the mother and consenting spouse and he shall not inherit the
3698 estate from his natural father or his relatives] such child's legal parents
3699 and the relatives of such legal parents.

3700 (b) The [mother and her consenting husband or their relatives] legal
3701 parents and the relatives of such legal parents may inherit the estate of
3702 a child born as a result of [A.I.D.] assisted reproduction, if the child dies
3703 intestate, [, and the natural father or his relatives shall not inherit from
3704 him.]

3705 Sec. 148. Section 45a-779 of the general statutes is repealed and the
3706 following is substituted in lieu thereof (*Effective January 1, 2022*):

3707 Nothing in [sections 45a-771 to 45a-779, inclusive,] section 45a-777, as
3708 amended by this act, or 45a-778 or this section shall be construed as a
3709 change or modification of the rights or status of children born before
3710 October 1, 1975, but shall be construed as a clarification and codification
3711 of the rights and status which the children had on said date.

3712 Sec. 149. Sections 45a-771 to 45a-776, inclusive, 46b-166 and 46b-167
3713 of the general statutes are repealed. (*Effective January 1, 2022*)

This act shall take effect as follows and shall amend the following sections:

Section 1	January 1, 2022	New section
Sec. 2	January 1, 2022	New section
Sec. 3	January 1, 2022	New section
Sec. 4	January 1, 2022	New section
Sec. 5	January 1, 2022	New section
Sec. 6	January 1, 2022	New section
Sec. 7	January 1, 2022	New section
Sec. 8	January 1, 2022	New section
Sec. 9	January 1, 2022	New section
Sec. 10	January 1, 2022	New section
Sec. 11	January 1, 2022	New section
Sec. 12	January 1, 2022	New section
Sec. 13	January 1, 2022	New section
Sec. 14	January 1, 2022	New section
Sec. 15	January 1, 2022	New section
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Sec. 148	January 1, 2022	45a-779
Sec. 149	January 1, 2022	Repealer section

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill adopts the Uniform Parentage Act and does not result in a fiscal impact to the state or municipalities.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sHB 6321****AN ACT CONCERNING ADOPTION AND IMPLEMENTATION OF
THE CONNECTICUT PARENTAGE ACT.****TABLE OF CONTENTS:****SUMMARY**

Adopts the Uniform Parentage Act (UPA), which may be cited as the Connecticut Parentage Act (CPA)

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Provides the processes for challenging adjudicated parentage depending on whether a party had standing or received required notice

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§§ 19-23 — PARENT-CHILD RELATIONSHIP

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§ 23 — COMPETING CLAIMS OF PARENTAGE

Creates (1) best interest of the child factors that the court must consider in resolving claims of parentage by two or more individuals and (2) additional factors in cases involving genetic testing

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Creates a process by which a person who has established a parent-child relationship may become the child's parent through a signed acknowledgment of parentage

§§ 33-35 — DPH AUTHORITY AND RESPONSIBILITIES

Authorizes DPH to develop an acknowledgment of parentage form, release information to certain individuals and entities, and develop implementing regulations

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Provides the (1) conditions under which someone may be presumed a child's parent and (2) means by which someone may overcome the presumption in a judicial proceeding

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Creates a court process for someone who claims to be a de facto parent to be adjudicated as such; Establishes the qualifying criteria and the evidence necessary to support the claim

§§ 40-50 — ADJUDICATING GENETIC PARENTAGE

Establishes requirements for genetic testing in proceedings to adjudicate genetic parentage, whether the person voluntarily submits to testing or is tested under a court or a child support agency order; provides for challenging results and testing lab reporting

§§ 51-59 — CONSENT TO INTENDED PARENTAGE

Establishes a process for an intended parent to consent to parentage for a child, other than for a child conceived by sexual intercourse or assisted reproduction under a surrogacy agreement

§§ 60-77 — PARENTAGE THROUGH SURROGACY

Provides for the adjudication of parentage under gestational and genetic surrogate agreements for children born through assisted reproduction, including requirements for the execution, termination, and enforcement of any such agreement

§§ 2 & 78-83 — COLLECTION OF GAMETES AND DISCLOSURE OF INFORMATION ON OR AFTER JANUARY 1, 2022

Establishes requirements pertaining to donated gametes collected on or after January 1, 2022, including the collection and disclosure of donor's information and gamete banks and fertility clinics record retention

§§ 3 & 84-86 — MISCELLANEOUS PROVISIONS

Specifies that it (1) does not change the equitable powers of the courts or parental rights or duties; (2) has retroactive effect only on cases without judgment before January 1, 2022; (3) should be applied and construed in a manner to promote uniformity of law; and (4) does not affect certain federal laws related to disclosures and court notice

§§ 103, 104, 117 & 124 — CHANGES TO UNRELATED PROVISIONS

Makes changes, made necessary by the CPA, to certain provisions on a nonmarital child's inheritance, temporary custody hearings, and DSS exceptions for someone to refuse to cooperate with parentage determination

§§ 87-148 — CONFORMING CHANGES AND GENDER-SPECIFIC AND OTHER TERMINOLOGY CHANGES

Makes conforming changes throughout the statutes by removing certain gender-specific references and other changes in statutes that address things such as (a) birth certificates; (b) human services, social services, and public health protocols and systems; (c) probate court matters; and (d) family relations matters

§ 149 — REPEALER

Repeals statutes that address a putative father's paternity case, the doctrine that a child born in wedlock is legitimate, and other provisions related to children conceived through artificial insemination

SUMMARY

Adopts the Uniform Parentage Act (UPA), which may be cited as the Connecticut Parentage Act (CPA)

This bill adopts the Uniform Parentage Act (UPA), which may be

cited as the Connecticut Parentage Act (CPA) (§§ 1-86). The bill generally:

1. provides for equal treatment under the law for children born to same-sex couples by, among other things, removing certain gender-specific references (e.g., changing “maternity” and “paternity” to “parentage”);
2. expands recognition of non-biological parents by (a) making marital or “hold-out” presumptions gender neutral and (b) establishing de facto parentage (i.e., the court adjudicates a person to be a parent under certain circumstances);
3. provides guidance on adjudicating parentage and adjudicating competing claims of parentage (e.g., creates best interest of the child factors that the court must consider);
4. provides the process for establishing acknowledged parentage through an acknowledgment agreement;
5. provides for adjudicating genetic parentage and updates the rules governing children born under a surrogacy agreement; and
6. establishes a procedure to enable children conceived through assisted reproduction to access medical and identifying information about any gamete donors.

The bill also makes conforming changes throughout the statutes addressing things such as (1) birth certificates; (2) human services, social services, and public health protocols and systems; (3) probate court matters; and (4) family relations matters (§§ 87-149).

EFFECTIVE DATE: January 1, 2022, except the provisions on adjudicating de facto parentage (§§ 38-39) are effective July 1, 2022.

§§ 4-16 — ADJUDICATING PARENTAGE

Establishes the court process to adjudicate parentage, including the necessary petitions; accompanying affidavits for children on public assistance; parties’ standing and notice; and court jurisdiction, venue, access, timeline, fees, records, and parentage order

The bill requires the court, when determining parentage, to apply Connecticut law, regardless of the child's place of birth or past or present residence. It also specifies that there is no right to a jury trial in an action to adjudicate parentage.

Under the bill, an "adjudicated parent" is a person who has been adjudicated to be a parent of a child by a court of competent jurisdiction (§ 2).

Petitions (§ 5)

Under the bill, petitions to adjudicate parentage must generally be filed in the Superior Court's Family Division. However, the following petitions must be filed in the Probate Court:

1. petitions by an alleged genetic parent seeking to establish the alleged genetic parent's parentage (see § 48),
2. petitions to determine parentage after the death of the child or the person whose parentage is to be determined,
3. petitions for certain parentage orders under the CPA involving assisted reproduction or gestational surrogacy, and
4. petitions to validate a genetic surrogacy agreement under CPA.

Additionally, petitions by the Department of Social Services (DSS) Office of Child Support Services (i.e., the Title IV-D agency) in (1) support cases involving public assistance recipients (i.e., IV-D cases) and (2) petitions brought under the Uniform Interstate Family Support Act, must be filed with the clerk for the Family Support Magistrate Division.

Affidavit in IV-D Cases (§ 5)

If the IV-D agency files the petition, the petition must be accompanied by an affidavit of the parent whose rights have been assigned. If the assignor refuses to provide an affidavit, the IV-D agency may submit the affidavit, however the affidavit alone cannot support a default judgment on the issue of parentage.

Standing (§§ 6 & 11)

Under the bill, a proceeding to adjudicate parentage may be maintained by:

1. a child age 18 or older or, if the child is a minor, through the child's representative;
2. the person who gave birth to the child, including still birth, unless a court has adjudicated that the person is not a parent;
3. a person who is a parent of the child under the CPA (i.e., a parent who has established a parent-child relationship, see § 19);
4. a person looking to be adjudicated a parent under the CPA;
5. DSS or the town welfare administrator;
6. the Department of Children and Families (DCF);
7. a person the court deems to have a sufficient interest to file a claim for parentage on a deceased parent's behalf; or
8. a representative authorized under state law, excluding the CPA, to act for a person who otherwise would be entitled to maintain a proceeding but is deceased, incapacitated, or a minor.

A minor child is a permissive, but not a necessary, party to a proceeding under the CPA, except for certain proceedings in the Superior Court, such as neglect and abuse cases.

Time Limit (§ 5)

A petition filed in the Superior Court or Family Support Magistrate Court to adjudicate parentage may be brought any time before the child turns age 18. However, liability for child support must be limited to the three years before the petition filing date.

Notice in Superior Court and Probate Court (§ 7)

The bill requires that notice of a proceeding to adjudicate parentage be given, by the petitioner for proceedings in the Superior Court and by

the court for proceedings in the Probate Court, to the following people:

1. the person who gave birth to the child, unless a court has adjudicated that person is not a parent;
2. a presumed (§§ 36-37), acknowledged (§§ 24-35), or adjudicated (§§ 4-16) parent of the child;
3. a person whose parentage of the child is to be adjudicated;
4. a representative authorized by state law to act for a person who otherwise would be entitled to maintain a proceeding but is deceased, incapacitated, or a minor;
5. the fiduciary of an estate of deceased persons otherwise entitled to notice;
6. in proceedings involving a public assistance recipient, the Attorney General, who must be and remain a party to any parentage proceeding and to any proceedings after judgment in the action; and
7. the DCF commissioner, in proceedings involving a child for whom a petition related to abuse and neglect has been filed and who is under DCF's care and custody or guardianship.

Under the bill, a person entitled to this notice has a right to intervene in the proceeding. Failure to provide the required notice must not render a judgment void or preclude a person entitled to notice from bringing a proceeding under the CPA.

Court Jurisdiction and Venue (§§ 8 & 9)

Under the bill, a court may adjudicate a person's parentage of a child only if it has personal jurisdiction over that person. A Connecticut court with jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident or the person's guardian or conservator consistent with Connecticut laws.

Generally, the venue for a proceeding to adjudicate parentage is in the judicial district (1) where the child resides or (2) if the child is not a Connecticut resident, where the petitioner or respondent resides.

However, the petitions filed in Probate Court must be filed in the probate district:

1. where the child or birth parent resides, for petitions by an alleged genetic parent seeking to establish parentage;
2. where the child, petitioner, or person whose parentage is to be determined resides or resided at the time of death, for petitions to determine parentage after the death of the child or the person whose parentage is to be determined; and
3. where the child or a party to the proceeding resides, for petitions for certain parentage orders under the CPA involving assisted reproduction or gestational surrogacy or petitions to validate a genetic surrogacy agreement.

Additionally, in IV-D cases, the petition must be filed in the Family Support Magistrate Division serving the judicial district where the parent who gave birth or the alleged parent resides.

Temporary Child Support Orders (§ 10)

In a proceeding under the CPA, a court may issue a temporary order for child support if the order is consistent with state law, other than the CPA, and the person ordered to pay support is:

1. the child's presumed parent;
2. petitioning to be adjudicated a parent;
3. identified as a genetic parent through genetic testing;
4. an alleged genetic parent who has declined to submit to genetic testing;
5. shown by clear and convincing evidence to be the child's parent;

or

6. a parent under the CPA.

A temporary order may include custody and visitation provisions under state law other than the CPA.

Court Access, Records, Dismissal, and Fees (§§ 12-14)

Superior Court – Family Relations. For proceedings in the Superior Court on family relations matters, there must be a presumption that courtroom proceedings are open to the public and documents filed with the court are available to the public. In family relations cases, the Connecticut Practice Book governs courtroom closure, the sealing of files, and limited disclosure of documents.

Juvenile Court. For proceedings in Juvenile Court, access to records is governed by existing law on confidentiality of juvenile records.

Probate Court. Members of the public may observe Probate Court proceedings and may view court records, unless otherwise provided by law or directed by the court.

Order Dismissal. The court may dismiss a proceeding under the CPA for want of prosecution only without prejudice. An order of dismissal for want of prosecution purportedly with prejudice is void and has only the effect of a dismissal without prejudice.

Fees. Generally, the court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs and necessary travel, and other reasonable expenses incurred in a proceeding under the CPA. Attorney's fees awarded may be paid directly to the attorney, and the attorney may enforce the order in the attorney's own name.

However, the court may not assess fees, costs, or expenses against a child support agency in this state or another state, except as provided by existing law other than the CPA.

Medical Bills. In a proceeding under the CPA, a copy of a bill for

genetic testing or prenatal or postnatal health care for the person who gave birth to the child or for the child, which is provided to the adverse party not later than 10 days before the date of a hearing, is admissible to establish (1) the amount of the charge billed and (2) that the charge is reasonable and necessary.

Order Adjudicating Parentage (§§ 14-16)

Binding Order. An order adjudicating parentage must identify the child in a manner provided by state law other than the CPA. A party to an adjudication of parentage by a court with jurisdiction under existing law and the CPA, and any person who received notice of the proceeding, is bound by the adjudication.

Divorce, Annulment, and Legal Separation. In a proceeding for dissolution of marriage, annulment, or legal separation, the court is deemed to have made an adjudication of a child's parentage if the court has jurisdiction under applicable state laws, including the CPA. Additionally, the final order must (1) expressly identify the child as a "child of the marriage" or "issue of the marriage" or include similar words indicating that both spouses are parents of the child or (2) provide for child support by a spouse unless that spouse's parentage is disclaimed specifically in the order.

Child's Name Change. Upon the request of a party and for good cause, the court in a proceeding under the CPA may order the child's name to be changed. If the order varies the child's name from the name on the child's birth certificate, the court must order the Department of Public Health (DPH) to issue an amended birth certificate.

Affirmative Defense. A determination of parentage may be asserted as a defense in a subsequent proceeding seeking to adjudicate parentage of a person who was not a party to the earlier proceeding.

§§ 16 & 17 — CHALLENGING THE ADJUDICATION OF PARENTAGE

Provides the processes for challenging adjudicated parentage depending on whether a party had standing or received required notice

Under the bill, a party to an adjudication of parentage may challenge

the adjudication only under state law (other than provisions of the CPA) relating to appeal, opening or setting aside judgments, or other judicial review.

Person Was Party to the Adjudication or Received Notice

If a child has an adjudicated parent, a proceeding to challenge the adjudication, brought by a person who was a party to the adjudication or received notice, is governed by the Connecticut Practice Book and other statutory provisions on the opening or setting aside of judgments.

Person Has Standing but Was Not a Party nor Received Notice

If a child has an adjudicated parent, a proceeding to challenge the adjudication of parentage brought by a person, other than the child, who has standing and was not a party to the adjudication and did not receive notice, must abide by the following rules:

1. The person must start the proceeding within two years after the adjudication's effective date, unless the person did not know and could not reasonably have known of his or her potential parentage due to a material misrepresentation or concealment, in which case the proceeding must begin within one year after discovering the potential parentage.
2. The court may allow the proceeding only if it finds doing so is in the best interest of the child.
3. If the court allows the proceeding, the court must adjudicate parentage based on certain factors, such as best interest of the child (see § 23).

§ 18 — GOVERNING LAW

Generally applies state law to proceedings under the CPA

A proceeding under the CPA is subject to state laws (other than the bill) on the health, safety, privacy, and liberty of a child or other person who could be affected by the disclosure of identifying information.

§§ 19-23 — PARENT-CHILD RELATIONSHIP

Establishes specific criteria to determine if a parent-child relationship exist and applies them to relationships regardless of the parent's marital status or gender or the circumstances of the child's birth

Establishing the Parent-Child Relationship (§ 19)

Under the bill, a parent-child relationship is established between a person and a child if the person:

1. gave birth to the child, except as otherwise provided in cases involving surrogacy;
2. is the child's presumed parent because the child was born during the marriage or within 300 days after the marriage ended, unless the presumption is overcome in a judicial proceeding;
3. is the child's presumed parent because the person, with another person, openly held out the child to be their own for at least 2 years, and the person is adjudicated a parent of the child or acknowledges parentage;
4. is adjudicated a de facto parent of the child;
5. is adjudicated a parent of the child through genetic testing;
6. adopts the child;
7. acknowledges parentage of the child, unless the acknowledgment is rescinded or successfully challenged;
8. established parentage through consent to assisted reproduction;
9. established parentage under a surrogacy agreement; or
10. has been adjudicated a parent by the court as it relates to divorce, annulment, legal separation, or support cases.

Applicability (§§ 20-22)

Under the bill, a parent-child relationship extends equally to every child and parent, regardless of the parent's marital status or gender or the circumstances of the child's birth. Unless parental rights are

terminated, a parent-child relationship established under the CPA applies for all purposes.

To the extent practicable, any provision of the bill applicable to a father-child or mother-child relationship must apply to any parent-child relationship, regardless of the parent's gender.

§ 23 — COMPETING CLAIMS OF PARENTAGE

Creates (1) best interest of the child factors that the court must consider in resolving claims of parentage by two or more individuals and (2) additional factors in cases involving genetic testing

Best Interest of the Child Factors

Except as provided in the bill, in a proceeding to adjudicate competing claims of parentage of a child by two or more persons, the court must adjudicate parentage in the child's best interest, based on the following factors:

1. the child's age;
2. the length of time during which each person assumed the role of the child's parent;
3. the nature of the relationship between the child and each person;
4. the harm to the child if the relationship between the child and each person is not recognized;
5. the basis for each person's claim to the child's parentage;
6. other equitable factors arising from the disruption of the relationship between the child and each person, or the likelihood of other harm to the child; and
7. any other factor the court deems relevant to the child's best interests.

Additional Factors in Cases Involving Genetic Testing

If a person challenges parentage based on the results of genetic testing, in addition to the factors listed above, the court also must

consider:

1. the facts surrounding the discovery that the person might not be the child's genetic parent and
2. the length of time between the (a) time the person received notice that he or she might not be a genetic parent and (b) start of the proceeding.

Finding of Detriment to the Child

The court may adjudicate a child to have more than two parents if it finds that failure to recognize more than two parents would be detrimental to the child. A finding of detriment to the child does not require a finding of unfitness of any parent or person seeking an adjudication of parentage.

In determining detriment to the child, the court must consider all relevant factors, including the harm if the child is removed from a stable placement with a person who has (1) fulfilled the child's physical and psychological needs for care and affection and (2) assumed the role for a substantial period.

Child Support Guidelines

If a court has adjudicated a child to have more than two parents, state law (other than the CPA) applies to determinations of legal and physical custody of, or visitation with, the child, and to child support obligations. The child support guidelines established under existing law must not apply until they have been revised to address the circumstances when a child has more than two parents. Until such revision is effective, a court must consider the child support guidelines and the criteria for awards established under certain existing laws when making or modifying child support orders.

§§ 24-32 — ACKNOWLEDGMENT OF PARENTAGE

Creates a process by which a person who has established a parent-child relationship may become the child's parent through a signed acknowledgment of parentage

Acknowledged Parent (§ 2)

Under the bill, an “acknowledged parent” is a person who has established a parent-child relationship through an acknowledgement agreement.

Signed Record (§§ 24 & 25)

A person who gave birth to a child and an alleged genetic parent of the child, a presumed parent (see § 36), or an intended parent (i.e., a person with intent to be legally bound as a parent of a child conceived by assisted reproduction, see §§ 51-59) may sign an acknowledgment of parentage to establish the child’s parentage.

Witnessed Statement. The acknowledgment must be in a record signed by the person who gave birth to the child and by the person seeking to establish a parent-child relationship, and the signatures must be attested by a notary or witnessed. The acknowledgement must state that:

1. the child whose parentage is being acknowledged must not have another acknowledged or adjudicated parent or person who is a parent of the child through assisted reproduction other than the person who gave birth to the child;
2. the child whose parentage is being acknowledged must not, at the time of signing, have a birth certificate identifying as a parent a person other than the person who gave birth to the child or the person acknowledging parentage;
3. no action is pending in which the child's parentage is at issue, unless all parties to the action agree to establishing the signatory's parentage pursuant to the acknowledgment; and
4. the signatories understand that the acknowledgment is the equivalent of an adjudication of the child’s parentage and that a challenge to the acknowledgment is permitted only under limited circumstances.

Oral and Written Notice. Under the bill, an acknowledgment of

parentage is not binding unless, prior to the signing, the signatories are given oral and written notice of the alternatives to, the legal consequences of, and the rights and responsibilities that arise from signing the acknowledgment. The notice must explain the following:

1. the right to rescind the acknowledgment, including the address where a rescission notice should be sent;
2. that the acknowledgment cannot be challenged after 60 days, except in court or before a family support magistrate upon a showing of fraud, duress, or material mistake of fact;
3. that the acknowledgment may result in custody and visitation rights for the acknowledged parent, as well as a financial support duty from the acknowledged parent;
4. that, if the person acknowledging parentage is acknowledging that they are the child's genetic parent, genetic testing is available to establish parentage with a high degree of accuracy and, under certain circumstances, at state expense; and
5. if either person is not certain of the child's genetic parentage as it pertains to the acknowledgment of parentage, neither person should sign the form.

Content. The notice to the person acknowledging parentage also must include notice that (1) the person will be liable for the child's financial and medical support at least until the child's 18th birthday and (2) if the person acknowledging parentage is acknowledging that they are the child's genetic parent, that person has the right to contest parentage.

Void. An acknowledgment of parentage is void if, at the time of signing:

1. a person, other than the person who gave birth to the child or the person seeking to establish parentage, is an acknowledged or adjudicated parent or a parent through assisted reproduction;

2. the child whose parentage is being acknowledged has a birth certificate identifying as a parent a person other than the person who gave birth to the child or the person acknowledging parentage; or
3. an action is pending in which the child's parentage is at issue, unless all parties to the action agree to establish the signatory's parentage under the acknowledgment.

Acknowledgement Protocols and Effect (§§ 26-32)

Timing. An acknowledgment of parentage (1) may be signed before or after the child's birth, except that an acknowledgment signed by a presumed parent may be signed only after the presumption is satisfied and (2) takes effect on the birth of the child or filing of the document with DPH, whichever occurs later. Additionally, an acknowledgement of parentage signed by a minor is valid if it complies with the CPA.

Legal Effect. Generally, an acknowledgment of parentage that is filed with DPH is equivalent to an adjudication of the child's parentage by the Superior Court and confers on the acknowledged parent all parental rights and duties. The bill prohibits DPH from charging a fee for this filing.

A court conducting a judicial proceeding or an administrative agency conducting an administrative proceeding is not required or permitted to ratify an unchallenged acknowledgment of parentage.

Rescission. A signatory may rescind an acknowledgment of parentage by filing a rescission with DPH in a signed record that is attested by a notary or witnessed. The signatory must file a rescission before the earlier of (1) 60 days after the acknowledgement's effective date or (2) the date of the first hearing before a court in a proceeding, to which the signatory is a party, to adjudicate an issue relating to the child, including one that establishes support.

If an acknowledgment of parentage is rescinded, DPH must notify the person who gave birth to the child of this rescission. Failure to give

the required notice does not affect the rescission's validity.

Fraud, Duress, or Material Mistake of Fact. After the period for rescission expires, an acknowledgment of parentage may be challenged only on the basis of fraud, duress, or material mistake of fact. In cases in which the acknowledgment has been signed by the birth parent and an alleged genetic parent, a material mistake of fact may include evidence that the alleged genetic parent is not the genetic parent. A party challenging an acknowledgment of parentage has the burden of proof.

Court Proceedings. Every signatory to an acknowledgment of parentage is a party to a proceeding to challenge the acknowledgment. By signing an acknowledgment of parentage, a signatory submits to personal jurisdiction in Connecticut in a proceeding to challenge the acknowledgment, effective on the date the acknowledgment is filed with DPH. While the challenge is pending, any responsibilities arising from the acknowledgment must continue except for good cause shown.

Set Aside Acknowledgement. If the court or family support magistrate determines that the challenger has met the burden of proof to support a finding of fraud, duress, or material mistake of fact, the acknowledgment of parentage must be set aside, but only if the court or magistrate determines that doing so is in the child's best interest, based on the relevant factors described above (see § 23).

Amended Birth Certificate. If the court or family support magistrate sets aside the acknowledgement, the court or magistrate must order DPH to amend the child's birth record to reflect the child's legal parentage.

Support Refund in IV-D Cases. In cases involving a child who is or has been supported by the state, whenever the court or family support magistrate finds that the person challenging the acknowledgment of parentage is not a parent because the person has met the burden of proof, DSS must refund any money the person paid to the state during any period the state supported the child.

Full Faith and Credit (§ 32)

The bill requires the state to give full faith and credit to an acknowledgment of parentage effective in another state if the acknowledgment was in a signed record and otherwise complies with the other state's law.

§§ 33-35 — DPH AUTHORITY AND RESPONSIBILITIES

Authorizes DPH to develop an acknowledgment of parentage form, release information to certain individuals and entities, and develop implementing regulations

Acknowledgement of Parentage Form (§ 33)

Under the bill, DPH must prescribe forms for an acknowledgment of parentage. The forms must (1) include the minimum requirements specified by the U.S. Department of Health and Human Services secretary and (2) comply with the CPA. Executed acknowledgments and rescissions must be filed in DPH's parentage registry established under existing law.

Information Release (§ 34)

Under the bill, DPH may release information relating to an acknowledgment of parentage to a signatory, the child if he or she is at least age 18, a guardian of the person whose parentage is acknowledged, an attorney representing a person to whom the information may be released, a court, a federal agency, an authorized representative of DSS, the state child support agency, any agency acting under a cooperative or purchase of service agreement with Connecticut's child support agency, and another state's child support agency.

Implementing Regulations (§ 35)

The bill authorizes the DPH commissioner to adopt regulations to implement these acknowledgement of parentage provisions (§§ 24-34).

§§ 36 & 37 — ADJUDICATING PRESUMPTIVE PARENTAGE

Provides the (1) conditions under which someone may be presumed a child's parent and (2) means by which someone may overcome the presumption in a judicial proceeding

Presumed Parent (§ 2)

Under the bill, a "presumed parent" is a person who is presumed to

be a parent of a child, unless the presumption is overcome in a judicial proceeding (see below).

Conditions for Presumed Parentage (§ 36)

Generally, a person is presumed to be a child's parent under three scenarios, as follows:

1. if the person and the person who gave birth to the child are married to each other and the child is born during the marriage, whether the marriage is or could be declared invalid;
2. if the person and the person who gave birth to the child were married to each other and the child is born within 300 days after the date on which the marriage is terminated by death, dissolution, or annulment, or after a separation decree; or
3. the person and another parent jointly resided in the same household with the child and openly held out the child as the person's own child for at least two years from the time the child was born or adopted, including any period of temporary absence.

For the third scenario, the presumed parent's parentage must be established by a court adjudication or signing of a valid acknowledgment of parentage under the bill (i.e., determination of parentage).

Overcoming the Presumption. A presumption of parentage may be overcome only by court order and competing claims to parentage must be resolved considering the child's best interest (see § 23).

Probate Court's Jurisdiction. The Probate Court has jurisdiction over the presumed parent's parentage determination in certain probate court matters (e.g., the child's best interest, guardianship, custody, removal of parent, appointment of counsel, and DCF investigations) if notice is given to the presumed parent and there has not been a determination of parentage.

Juvenile Court's Jurisdiction. In a proceeding pending in juvenile

court regarding a child for whom certain petitions have been filed (e.g., commitment, neglect or abuse, temporary custody, permanency plan review, and guardianship), a presumed parent in the third scenario above, identified as such by an existing parent or by the child and not having a parentage determination, must be given notice of the proceeding but must not be treated as a parent until the determination. The juvenile court in which the petition is pending has jurisdiction over the person's parentage determination and DCF has standing to request the determination.

Presumptive Parentage Adjudication Proceeding (§ 37)

Timing. A proceeding to determine whether a presumed parent is a parent of a child may begin (1) before the child reaches age 18 or (2) after the child reaches age 18, but only if the child initiates the proceeding.

Overcoming Presumption After Child Turns Two. A presumption of parentage cannot be overcome after the child reaches age two unless the court determines the:

1. presumed parent is not a genetic parent, never resided with the child, and never held out the child as his or her child;
2. child has more than one presumed parent; or
3. alleged genetic parent did not know of the child's potential genetic parentage and could not reasonably have known because of material misrepresentation or concealment, and the alleged genetic parent starts a proceeding to challenge a presumption of parentage within one year after the date of discovering the potential genetic parentage.

If the person is adjudicated to be the child's genetic parent, the court may not disestablish a presumed parent.

Person Who Gave Birth Claims Parentage. Under the bill, the following rules apply in a proceeding to adjudicate a presumed parent's parentage of a child if the person who gave birth to the child is the only

other person with a claim to parentage of the child:

1. If no party to the proceeding challenges the presumed parent's parentage of the child, the court must adjudicate the presumed parent to be a parent of the child.
2. If the presumed parent is identified as a genetic parent of the child and that identification is not successfully challenged, the court must adjudicate the presumed parent to be a parent of the child.
3. If the presumed parent is not identified as a genetic parent of the child and the presumed parent or the person who gave birth to the child challenges the presumed parent's parentage of the child, the court must adjudicate the parentage of the child based on the child's best interest (see § 23).

Additional Person Claims Parentage. In a proceeding to adjudicate a presumed parent's parentage of a child, if another person in addition to the person who gave birth to the child asserts a parentage claim, the court must adjudicate parentage based on the child's best interest (see § 23).

Challenging Presumed Parentage in Hold-Out Cases (§ 37)

A presumption of parentage where the person, jointly with another parent, openly held out the child as his or her own (see § 36(a)(3)) can be challenged if the other parent did so due to duress, coercion, or threat of harm.

Evidence of duress, coercion, or threat of harm may include:

1. whether, within the 10-year period before the proceeding, the presumed parent (a) was convicted of domestic assault, sexual assault, sexual exploitation of the child or the child's parent, or a family violence crime; (b) is or has been subject to a protection order; (c) committed child abuse or abused the child's parent; or (d) was substantiated for abuse against the child or a parent of

the child;

2. a sworn affidavit from a domestic violence counselor or sexual assault counselor who received a confidentiality waiver; or
3. other credible evidence of abuse.

§§ 38 & 39 — ADJUDICATING DE FACTO PARENTAGE

Creates a court process for someone who claims to be a de facto parent to be adjudicated as such; Establishes the qualifying criteria and the evidence necessary to support the claim

Qualifying Criteria (§ 38)

In a proceeding to adjudicate parentage of a person who claims to be a de facto parent of the child, if there is only one other person who is a parent or has a claim to the child's parentage, the court must adjudicate the person claiming de facto parentage to be a parent of the child if the person demonstrates the following by clear and convincing evidence:

1. the person resided with the child as a regular member of the child's household for at least one year, unless the court finds good cause to accept a shorter period of household residence;
2. the person engaged in consistent caretaking of the child, which may include regularly caring for the child's needs and making day-to-day decisions regarding the child individually or with another legal parent;
3. the person undertook full and permanent parental responsibilities without expectation of financial compensation;
4. the person held out the child as his or her child;
5. the person established a bonded and dependent relationship with the child that is parental in nature;
6. another parent of the child fostered or supported the bonded and dependent relationship; and
7. continuing the relationship between the person and the child is in the child's best interest.

Contesting Claims About Fostering and Supporting a Relationship (§ 38)

A child's parent may use evidence of duress, coercion, or threat of harm to contest an allegation that he or she fostered or supported a bonded and dependent relationship. Evidence may include the same types of evidence needed to challenge a presumption of parentage in a hold-out case (see § 37).

In a proceeding to adjudicate parentage of a person who claims to be a de facto parent of the child, if there is more than one other person who is a parent or has a claim to the child's parentage and the court determines that the requirements are satisfied, the court must adjudicate parentage based on the child's best interest (see § 23). However, the adjudication of a person as a de facto parent must not disestablish the parentage of any other parent, nor limit any other parent's rights under state law.

De Facto Parentage Adjudication Proceeding (§ 39)

Person Filing the Petition. A proceeding to establish de facto parentage of a child may be started only by a person who (1) is alive when the proceeding begins and (2) claims to be a de facto parent of the child.

Petition and Affidavit. A person seeking to be adjudicated a de facto parent of a child must file a petition with the court before the child reaches age 18. The child must be alive at the time of the filing. The petition must include a verified affidavit alleging facts to support the existence of a de facto parent relationship with the child. The petition and affidavit must be served on the child's parents and legal guardians and any other party to the proceeding.

Pleading. In response to the petition, an adverse party, parent, or legal guardian may file a pleading and verified affidavit that must be served on all parties to the proceeding.

Hearing to Dispute Standing. The court must determine on the basis of the pleadings and affidavits whether the person seeking to be

adjudicated a de facto parent has presented prima facie evidence of the criteria for de facto parentage. The court, in its sole discretion, may hold a hearing to determine disputed facts that are necessary and material to the issue of standing.

Interfering With Pending Litigation. If the child for whom the person is seeking to be adjudicated a de facto parent has two parents at the time the petition is filed and there is litigation pending between the parents regarding custody or visitation with respect to the child, a parent may use evidence that the de facto parent action is being brought to interfere improperly in the pending litigation in order to show that allowing the action to proceed would not be in the child's best interests. In which case, the court may dismiss the petition without prejudice.

Interim Order. The court may enter an interim order concerning contact between the child and a person with standing seeking adjudication as a de facto parent of the child.

§§ 40-50 — ADJUDICATING GENETIC PARENTAGE

Establishes requirements for genetic testing in proceedings to adjudicate genetic parentage, whether the person voluntarily submits to testing or is tested under a court or a child support agency order; provides for challenging results and testing lab reporting

Applicability (§ 41)

The bill establishes requirements for genetic testing in proceedings to adjudicate parentage, whether the person voluntarily submits to testing or is tested under a court or a child support agency order (§§ 41-50). It prohibits genetic testing from being used to (1) challenge the parentage of a person who is a parent due to assisted reproduction (see §§ 51-77) or (2) establish the parentage of a person who is a donor.

Under the bill, "genetic testing" means an analysis of genetic markers to identify or exclude a genetic relationship (§ 2).

Ordering Genetic Testing (§ 42)

Court of Family Support Magistrate. Except as provided in the provisions establishing the genetic testing requirements, in any proceeding under the CPA to adjudicate parentage, the court or a family

support magistrate must order the child and any other person to submit to genetic testing if a request for testing is supported by a party's sworn statement. The sworn statement must (1) allege a reasonable possibility that the person is the child's genetic parent or (2) deny genetic parentage of the child.

Child Support Agency. A child support agency must require genetic testing only if there is no presumed, acknowledged, or adjudicated parent of a child other than the person who gave birth to the child.

In-Utero Genetic Testing. The court, a family support magistrate, or child support agency are prohibited from ordering in-utero genetic testing.

Concurrent or Sequential Testing. If two or more persons are subject to court-ordered genetic testing, the court may order that testing be completed concurrently or sequentially.

Person Unavailable or Unwilling to Test. If the person whose genetic parentage is being determined is unavailable or declines to submit to genetic testing, the court may order genetic testing of the child and each person whose genetic parentage is being adjudicated. Genetic testing of the person who gave birth to a child is not a prerequisite for testing the child or others.

A default judgment may be ordered against a person who refuses to submit to court-mandated genetic testing under the CPA and the existing law, as amended by the bill, that allows a default judgment against nonresident alleged parents.

Presumed and De Facto Parents. In a proceeding to adjudicate the parentage of a child having a presumed parent or a person who claims to be a de facto parent, the court may deny a motion for genetic testing of the child and any other person after considering the child's best interest and additional factors used when parentage is challenged based on genetic testing (see § 23(a) & (b)).

If a person requesting genetic testing is barred under the CPA from

establishing his or her parentage, the court must deny the request for genetic testing.

Types of Genetic Testing (§§ 40 & 43)

Genetic testing must be of a type reasonably relied on by experts in the field of genetic testing and performed in a testing laboratory accredited by (1) the AABB, formerly known as the American Association of Blood Banks, or its successor, or (2) an accrediting body designated by the U.S. HHS secretary.

Frequencies Database. Based on the ethnic or racial group of the person undergoing genetic testing, a testing laboratory must determine the databases from which to select frequencies for use in calculating a relationship index. Under the bill, for the purpose of genetic testing, “ethnic or racial group” means a recognized group that a person identifies as his or her ancestry or part of the ancestry or that is identified by other information (§ 40). A “relationship index” is a likelihood ratio that compares the probability of a genetic marker given a hypothesized genetic relationship and the probability of the genetic marker given a genetic relationship between the child and a random person of the ethnic or racial group used in the hypothesized genetic relationship. A “hypothesized genetic relationship” means an asserted genetic relationship between a person and a child (§ 40).

Objection to Laboratory Choice. The bill establishes rules that apply if a person or a child support agency objects to the laboratory’s choice of databases. For example, within 30 thirty days after the date the test report is received, the objecting person or child support agency may request the court to require the laboratory to recalculate the relationship index using an ethnic or racial group different from that used by the laboratory.

Testing Laboratory Reporting (§ 44)

A genetic testing report must be in a record and signed under penalty of perjury by a designee of the testing laboratory. A report complying with the bill’s genetic testing requirements is self-authenticating.

Documentation from a testing laboratory of the following information is sufficient to establish a reliable chain of custody and allow the test results to be admissible without testimony:

1. name and photograph of each person whose specimen has been taken,
2. name of the person who collected each specimen,
3. place and date each specimen was collected,
4. name of the person who received each specimen in the testing laboratory, and
5. date each specimen was received.

Test Results and Challenges to the Results (§ 45)

A person is identified under the bill as a genetic parent of a child if genetic testing complies with the bill and the results of the testing show (1) that the person has at least a 99% probability of parentage, using a prior probability of 0.50, as calculated by using the combined relationship index obtained in the testing; and (2) a combined relationship index of at least 101. A “combined relationship index” means the product of all tested relationship indices (§ 40).

A person identified as the child’s genetic parent may challenge the results only by other genetic testing satisfying the bill’s requirements.

If more than one person other than the person who gave birth is identified by genetic testing as a possible genetic parent of the child, the court must order each person to submit to further genetic testing to identify a genetic parent.

Assessment of Testing Cost (§ 46)

As is the case under current law for genetic testing to determine paternity, the cost of the initial genetic testing to determine genetic parentage under the bill must be charged to (1) the party who filed the motion or (2) the state, if the court finds that the person is low-income

based on the state's child support guidelines or is otherwise indigent and unable to pay the costs.

Contesting Genetic Test Result (§ 47)

The court or the DSS Office of Child Support Services must require additional genetic testing if a person who contests the initial test result requests it. If the initial test identified a person as the child's genetic parent, the court or agency may not require additional testing unless the contesting person pays for the testing in advance.

Adjudicating an Alleged Genetic Parent to be a Parent (§ 48)

The bill establishes conditions under which the court must adjudicate an alleged genetic parent to be a parent of the child in certain proceedings. Under the bill, in a proceeding to determine whether an alleged genetic parent (who is not a presumed parent) is a parent of a child and the person who gave birth to the child is the only other person with a claim to the child's parentage, the court must adjudicate the alleged genetic parent to be the child's parent if he or she, among other things:

1. is identified under the bill's test result standard (as described in § 45 above) as a genetic parent and the identification is not successfully challenged;
2. admits parentage in a pleading and the court accepts the admission; or
3. is neither identified nor excluded as a genetic parent by genetic testing, but based on other evidence, the court determines him or her to be the child's parent.

In a proceeding involving an alleged genetic parent where at least one other person in addition to the person who gave birth to the child has a claim the child's parentage, the court must adjudicate parentage in the child's best interest, subject to the limitations established in the bill's provisions on parent-child relationship (see § 23).

In a proceeding involving an alleged genetic parent where another person other than the person who gave birth is a parent of the child, the alleged genetic parent can seek a determination that he or she is the child's parent on the basis of a parent-child relationship under the CPA, in addition to the existing parents. An adjudication of parentage under these circumstances does not disestablish the other parent's parentage.

Penalty for Unauthorized Release of Genetic Testing Reports (§ 49)

Under the bill, a genetic testing report's release is controlled by state law other than the CPA. A person who intentionally releases an identifiable specimen of another person collected for genetic testing under the bill for a purpose not relevant to a parentage proceeding, without a court order or written permission of the person who furnished the specimen, is subject to a fine of up to \$200, up to six months in prison, or both.

Genetic Testing Report as Evidence (§ 50)

Except as provided under the bill, the court must admit a court-ordered genetic testing report as evidence of the truth of the facts asserted in the report. But a report's admissibility is not affected by whether the testing was performed (1) voluntarily or under a court or child support agency's order or (2) before, on, or after the proceeding's commencement.

A party may object to a court-ordered genetic testing report's admission within 14 days after receiving the report and must cite the specific grounds for the objection. The party may also call a genetic-testing expert to testify. Unless the court orders otherwise, the party offering the testimony must pay for the expert testifying.

§§ 51-59 — CONSENT TO INTENDED PARENTAGE

Establishes a process for an intended parent to consent to parentage for a child, other than for a child conceived by sexual intercourse or assisted reproduction under a surrogacy agreement

Applicability (§ 51)

The following provisions (§§ 51-59) do not apply to the birth of a child

conceived by sexual intercourse or assisted reproduction under a surrogacy agreement.

Donor (§§ 2 & 52)

A donor is not a parent of a child conceived by assisted reproduction by virtue of the donor's genetic connection. Also, a donor may not establish parentage by signing an acknowledgment of parentage.

Under the bill, a “donor” is a person who provides gametes or embryos intended for use in assisted reproduction. A donor does not include (1) a person who gives birth to a child conceived by assisted reproduction, except those based on a surrogacy agreement under the CPA, or an intended parent under such agreement or (2) a parent established through consent to assisted reproduction by another person.

Consent Record (§§ 53, 54 & 57)

A person who consents to assisted reproduction by another person with the intent to be a parent of a child conceived by the assisted reproduction is a parent of the child.

Signed Record. This consent must generally be in a record signed by (1) a person giving birth to a child conceived by assisted reproduction and (2) a person who intends to be a parent of the child. However, if the parties fail to consent in a record before, on, or after the date of birth of the child, this must not preclude the court from finding consent to parentage if the parties prove by clear and convincing evidence the existence of an agreement that they intended they both would be parents of the child.

Consent Withdrawal. A person may withdraw consent at any time before a transfer that results in a pregnancy. The person must give notice in a record of the consent withdrawal to (1) the person who agreed to give birth to a child conceived by assisted reproduction and (2) any clinic or health care provider facilitating the assisted reproduction. Failure to give notice to the clinic or health care provider does not affect a determination of parentage under the CPA. A person who withdraws consent is not a parent of the child.

Spouse's Dispute of Parentage of a Child Born by Assisted Reproduction (§ 55)

These provisions apply to a spouse's dispute of parentage even if the spouse's marriage is declared invalid after assisted reproduction occurs.

Standing. Someone who, at the time of a child's birth, is the spouse of the person who gave birth to the child by assisted reproduction may not challenge the parentage of the person who gave birth to the child unless (1) within two years after the child's birth, the spouse commences a proceeding to adjudicate his or her parentage of the child and (2) the court finds the spouse did not consent to the assisted reproduction, before, on, or after the child's birth date or withdrew the consent.

Proceeding. A proceeding to adjudicate a spouse's parentage of a child born by assisted reproduction may begin at any time if the court determines the following:

1. the spouse neither provided a gamete for, nor consented to, the assisted reproduction;
2. the spouse and the person who gave birth to the child have not cohabited since the probable time of assisted reproduction; and
3. the spouse never openly held out the child as the spouse's child.

Former Spouse's Parentage of a Child Born by Assisted Reproduction (§ 56)

In a case involving divorce, annulment, or legal separation occurring before the transfer of gametes or embryos to the person giving birth, a former spouse of the person giving birth is not a parent of the child unless the former spouse (1) consented in a record that he or she would be a parent of the child if assisted reproduction were to occur after a dissolution of marriage, annulment, or legal separation, and (2) did not withdraw consent.

Death of the Intended Parent (§ 58)

If a person who intends to be a parent of a child conceived by assisted reproduction dies during the period between the transfer of a gamete or

embryo and the child's birth (i.e., the gestational period), the person's death does not preclude the establishment of the person's parentage if the person would otherwise be the child's parent under the CPA.

If the death occurs before the transfer of the gamete or embryo, the deceased person is a parent of a child conceived by the assisted reproduction only if it is specified in a written document and the embryo is in utero within one year after the date of the person's death. The written document must satisfy the following conditions:

1. specifically state that the person's gametes may be used for posthumous conception;
2. specifically provide the person who agreed to give birth with the authority to exercise custody, control, and use of the gametes should the person die; and
3. be signed and dated by the person and the person who agreed to give birth.

Declaration of Intended Parentage (§ 59)

A party consenting to assisted reproduction, a parent (under §§ 53-55), an intended parent or parents, or the person giving birth may commence a proceeding to obtain an order:

1. declaring that the intended parent or parents are the parent or parents of the resulting child immediately upon birth of the child and ordering that parental rights and responsibilities vest exclusively in the intended parent or parents immediately upon the child's birth and
2. designating the contents of the birth certificate and directing DPH to designate the intended parent or parents as the parent or parents of the resulting child.

The bill allows the proceeding to begin before or after the child's birth date; however, an order issued before the child's birth does not take effect unless and until his or her birth. Neither the state nor DPH is a

necessary party to the proceeding.

Additionally, the bill specifies that the above provisions do not limit the court's authority to issue other orders under any other provision in state law.

§§ 60-77 — PARENTAGE THROUGH SURROGACY

Provides for the adjudication of parentage under gestational and genetic surrogate agreements for children born through assisted reproduction, including requirements for the execution, termination, and enforcement of any such agreement

Surrogacy Agreement (§§ 60-62)

Under the bill, a “surrogacy agreement” is an agreement between one or more intended parents and a person who is not an intended parent in which (1) that person agrees to become pregnant through assisted reproduction and (2) each intended parent is a parent of a child conceived under the agreement. Unless the context requires otherwise, surrogacy agreement includes an agreement with a gestational surrogate (i.e., the person uses another person's gametes) and an agreement with a genetic surrogate (i.e., the person uses their own gametes).

Requirements. To execute an agreement to act as a gestational or genetic surrogate, a person must:

1. be at least age 21 and have previously given birth at least once;
2. complete a medical evaluation by a licensed physician and a mental health evaluation by a licensed mental health professional;
3. have independent legal representation of the surrogate's choice throughout the surrogacy agreement regarding the agreement's terms and potential legal consequences; and
4. have or obtain a health insurance policy or other coverage for major medical treatment and hospitalization that extends throughout the duration of the expected pregnancy and for eight weeks after the resulting child's birth.

Each intended parent must be at least age 21, complete a mental health evaluation by a licensed mental health professional, and have independent legal representation throughout the surrogacy agreement.

Execution. The bill lays out the requirements to execute a surrogacy agreement, including that all the requirements above must be met and that it is in writing, signed by each party, witnessed by two people, and notarized. Among other requirements, at least one party must be a Connecticut resident. Also, if an intended parent is married, the intended parent's spouse must also be an intended parent and a party to the agreement, unless the intended parent and the spouse are legally separated. The parties must have independent legal representation throughout the surrogacy agreement and the intended parent or parents must pay for independent legal representation of the surrogate and any spouse.

Under the bill, the agreement must be executed before any medical procedures occur. If the surrogate is to be compensated, the bill requires the compensation to be escrowed before any medical procedure (other than the medical and mental health evaluations) starts.

Terms and Conditions of a Surrogacy Agreement (§§ 63-65)

The bill requires that the surrogacy agreement comply with the following terms and conditions:

1. the surrogate agrees to attempt to become pregnant by means of assisted reproduction;
2. the surrogate, and spouse or former spouse, have no claim to parentage of a child conceived by assisted reproduction under the surrogacy agreement (except in certain cases under §§ 70, 74 & 75 involving adjudication under gestational or genetic surrogacy agreements or through court-ordered genetic-testing);
3. the intended parent or parents, each one jointly and separately, immediately upon the child's birth generally are the exclusive parent or parents of the resulting child and must assume his or

her financial support, regardless of the gender, mental or physical condition, or number of children born (except in certain cases under §§ 68, 71, 74 & 75 involving adjudication under gestational or genetic surrogacy agreements or through court-ordered genetic-testing);

4. the surrogacy agreement must provide for payment by the intended parent or parents of reasonable legal, medical and ancillary expenses, including for health and life insurance premiums and all uncovered medical expenses, among other things;
5. the intended parent or parents are liable for the surrogacy-related expenses of the surrogate;
6. the surrogacy agreement must not infringe on the surrogate's rights to make all their health and welfare decisions; and
7. the agreement must inform each party about the right to terminate the surrogacy agreement (see below).

Compensation. A surrogacy agreement may reasonably compensate the surrogate.

Non-Assignable Rights. A right created under a surrogacy agreement is not assignable and there is no third-party beneficiary of the agreement other than the resulting child.

Marriage, Divorce, Annulment and Legal Separation After the Agreement (§§ 64 & 65)

Unless a surrogacy agreement expressly says otherwise, the:

1. marriage of any party after the surrogacy agreement is signed does not affect its validity, the spouse's consent is not required, and the spouse is not a presumed parent of the child; and
2. divorce, annulment, and legal separation of any party after the surrogacy agreement has been signed by all parties must not

affect the validity of the surrogacy agreement and the intended parents are the parents of the child.

Termination of a Surrogacy Agreement (§§ 66 & 67)

During the period after the surrogacy agreement is executed until the earlier of its termination or 90 days after the resulting child's birth, a court with a case under the CPA has exclusive, continuing jurisdiction over all matters arising out of the agreement, except in child custody or support proceedings where jurisdiction is not otherwise authorized by state law other than the CPA.

Surrogacy Agreement With a Gestational Surrogate (§§ 60 & 67-71)

Gestational Surrogate. Under the bill, a "gestational surrogate" is a person who is not an intended parent and who agrees to become pregnant through assisted reproduction using gametes that are not that person's own, under a gestational surrogacy agreement (i.e., a surrogacy agreement with a gestational surrogate).

Termination. A party to a gestational surrogacy agreement may terminate the agreement, at any time before an embryo transfer, by giving notice of termination in a record to all other parties. If an embryo transfer does not result in a pregnancy, a party may terminate the agreement at any time before a subsequent embryo transfer. However, no party may terminate the agreement after an embryo transfer but prior to a pregnancy test at a time to be determined by a qualified healthcare provider.

If a gestational surrogacy agreement is terminated, unless it states otherwise, each intended parent is responsible for expenses (1) reimbursable under the agreement and (2) incurred by the gestational surrogate through the agreement's termination. Unless the case involves fraud, a gestational surrogate and spouse or former spouse are not liable to the intended parents for a penalty, including incurred costs.

Parentage Under Gestational Surrogacy. Generally, upon the birth of a child conceived by assisted reproduction under a gestational

surrogacy agreement, each intended parent is, by operation of law, a parent of the resulting child. The gestational surrogate or spouse or former spouse is not a parent of the resulting child.

If the child is alleged to be the gestational surrogate's genetic child, the court must, upon finding sufficient evidence, order genetic testing of the child. If the child is the gestational surrogate's genetic child, parentage must be determined in accordance with the adjudication of parentage provisions described above. Regarding gestational surrogacy, the bill also provides for scenarios involving certain laboratory and clinical errors that result in the resulting child not being genetically related to the intended parents or the donor. In such case, the bill makes the intended parents the resulting child's parents.

Death of Intended Parent. These provisions apply even if the intended parent died during the period between the transfer of a gamete or embryo and the resulting child's birth. But a deceased intended parent is not the parent unless (1) posthumous conception is specifically authorized in a written document and (2) the embryo is in utero within one year after the intended parent's death.

Proceeding for a Judgment. With some exceptions, the bill allows a party to a gestational surrogacy agreement to initiate a proceeding for a judgment of parentage of a child conceived in accordance with the agreement at any time after the agreement's execution.

Under the bill, the petition for a judgment of parentage must be submitted under penalty of false statement and include (1) certification from the parties' attorneys representing that the surrogacy requirements have been met and (2) a statement from each party that he or she entered the agreement knowingly and voluntarily.

Upon a finding that the petition satisfies the requirements above for initiating these proceedings, the court must issue a judgment declaring the (1) child's intended parent and ordering that parental rights, duties, and custody vest immediately on the child's birth exclusively in any intended parent and (2) gestational surrogate and spouse or former

spouse are not the child's parents. The bill deems that this order satisfies existing law's birth certificate requirements.

Enforcement and Remedies. A gestational surrogacy agreement that complies with the CPA is enforceable. If the gestational surrogacy agreement does not comply with the CPA the court must determine the rights and duties of the parties to the agreement, considering evidence of the parties' intent at the time of the agreement's execution. Each party to the agreement and their spouse has standing to maintain a proceeding to adjudicate an issue related to its enforcement.

A gestational surrogacy agreement that complies with the CPA's applicable sections is enforceable. However, if the agreement is breached by a gestational surrogate or one or more intended parents, the nonbreaching party is entitled to the remedies available at law or in equity. Under certain circumstances, specific performance is a remedy for an intended parent determined to be the resulting child's parent.

Genetic Surrogate Agreement (§§ 60, 72-77 & 99)

Genetic Surrogate. Under the bill, a "genetic surrogate" means a person who is not an intended parent and who agrees to become pregnant through assisted reproduction using that person's own gamete, under a genetic surrogacy agreement.

Probate Court Validation. A genetic surrogacy agreement must generally be validated by a Probate Court and the proceeding must begin before the assisted reproduction related to the surrogacy agreement. The court must validate a genetic surrogacy agreement if it finds that (1) the requirements for surrogacy agreements are satisfied and (2) all parties entered the agreement voluntarily and understand its terms. The Probate Court cost to validate a genetic surrogacy agreement is \$225 (§ 99).

A person who terminates a genetic surrogacy agreement must notify the court or be subject to unspecified sanctions. Upon receipt of the notice, the court must vacate any order it issued validating the agreement.

Termination of a Genetic Surrogacy Agreement. A party may terminate a genetic surrogacy agreement at any time before a gamete or embryo transfer by giving notice of termination in a record to all other parties. If a gamete or embryo transfer does not result in a pregnancy, a party may terminate the agreement at any time before a subsequent gamete or embryo transfer. However, no party may terminate the agreement after a gamete or embryo transfer but prior to a pregnancy test at a time to be determined by a qualified healthcare provider. The notice of termination must be witnessed or notarized. Termination notices must also be filed by the intended parent with the court when the genetic surrogate agreement terminates after the court has validated the agreement but before the surrogate becomes pregnant by assisted reproduction means.

The parties are released from all obligations under the agreement when it terminates, except for allowed expenses. Unless the agreement provides otherwise, the person acting as surrogate is not entitled to any compensation paid for serving as a surrogate, except for surrogacy-related expenses.

Unless the case involves fraud, a genetic surrogate, or spouse or former spouse, is not liable to the intended parent or parents for a penalty or liquidated damages, for terminating a genetic surrogacy agreement.

Parentage Under a Genetic Surrogacy Agreement. Upon the birth of a child conceived by assisted reproduction under a court validated genetic surrogacy agreement, each intended parent is, by operation of law, a parent of the resulting child.

The intended parent or parents must file a notice with the court that a child has been born as a result of assisted reproduction. Upon receiving the notice, the court must, issue an order as soon as practicable, without notice and hearing, that:

1. declares (a) any intended parent is a parent of the resulting child and that parental rights and duties vest exclusively in any

intended parent or parents and (b) the intended parents have responsibility for the child's maintenance and support upon the child's birth;

2. declares genetic surrogates and their spouse or former spouse are not parents of the resulting child;
3. designates the contents of the certificate of birth; and
4. if necessary, orders that the child be surrendered to the intended parent or parents.

If a child born to a genetic surrogate is alleged not to have been conceived by assisted reproduction, the court may order genetic testing to determine the child's genetic parentage, in accordance with the adjudication of parentage provisions described above.

Enforcement and Remedies. A genetic surrogacy agreement, whether or not in a record, that is not validated under the probate validation provision (§ 72) is enforceable only to the extent provided under the bill's provisions on the validity of such agreements and the remedies available at law or in equity for breach (§§ 75 & 77).

If a genetic surrogacy agreement is breached by a genetic surrogate or one or more intended parents, the nonbreaching party is entitled to the remedies available at law or in equity. Under certain circumstances, specific performance is a remedy for an intended parent under an agreement breached by the genetic surrogate and another intended parent.

Proceeding for a Judgment. If all parties agree, a court may validate a genetic surrogacy agreement after assisted reproduction has occurred but before the child's birth if, upon examination of the parties, the court finds that (1) the requirements for surrogacy agreements have been satisfied and (2) all parties entered into the agreement voluntarily and understand its terms.

A person who terminates a genetic surrogacy agreement must file

notice of the termination with the court, but that person may not terminate a validated genetic surrogacy agreement if a gamete or embryo transfer has resulted in a pregnancy. On receipt of the notice, the court must vacate the order validating the agreement. A person who is required to notify the court of the termination of the agreement must be subject to unspecified sanctions.

The genetic surrogate is not automatically a parent when the resulting child is conceived and born under a nonvalidated genetic surrogacy agreement. In this case, the court must adjudicate parentage of the child based on the child's best interest (§ 23) and the parties' intent at the time of the agreement's execution.

The parties to a genetic surrogacy agreement have standing to maintain a proceeding to adjudicate parentage.

Intended Parent's Death. Generally, upon the birth of a child conceived by assisted reproduction under a genetic surrogacy agreement, each intended parent is, by operation of law, a parent of the child whether the surviving parent is the genetic parent or not, regardless of whether the intended parent died during the period between the transfer of a gamete or embryo and the child's birth.

These provisions apply even if the intended parent died during the period between the transfer of a gamete or embryo and the birth of the resulting child. But the intended parent is not the parent if he or she dies before the transfer of the gamete or embryo, unless (1) posthumous conception is specified in a written document and (2) the embryo is in utero within one year after the person's death.

§§ 2 & 78-83 — COLLECTION OF GAMETES AND DISCLOSURE OF INFORMATION ON OR AFTER JANUARY 1, 2022

Establishes requirements pertaining to donated gametes collected on or after January 1, 2022, including the collection and disclosure of donor's information and gamete banks and fertility clinics record retention

Applicability (§ 79)

The bill specifies that the following provisions (§§ 78-83) apply only to gametes collected on or after January 1, 2022. They do not apply to

gametes collected from a donor whose identity is known to the recipient at the time of the donation. A “gamete” is a sperm or egg and includes any part of a sperm or egg (§ 2).

Donor (§ 2)

Under the bill, a “donor” is a person who provides gametes or embryos intended for use in assisted reproduction. Donors do not include a:

1. person who gives birth to a child conceived by assisted reproduction based on a surrogacy agreement, or an intended parent under such agreement, or
2. parent established through consent to assisted reproduction by another person.

Information Collection and Disclosure Declaration (§§ 80 & 81)

Information Collection and Disclosure. The bill requires a gamete bank or fertility clinic operating in Connecticut to (1) collect identifying information and medical history from a donor at the time of the donation and (2) disclose the collected information upon request of a resulting child who is age 18 or older.

Gametes From Another Bank or Fertilization Clinic. A gamete bank or fertility clinic operating in the state that receives a donor’s gametes collected by another gamete bank or fertility clinic, must collect the name, address, telephone number, and email address of the gamete bank or fertility clinic from which it receives the gametes.

Gametes From a Donor. A gamete bank or fertility clinic operating in the state that collects gametes from a donor must (1) provide the donor with information in a record about the donor's choice regarding identity disclosure and (2) obtain a declaration from the donor regarding identity disclosure.

Donor’s Disclosure Declaration. A gamete bank or fertility clinic operating in Connecticut must give a donor the choice to sign a

declaration, witnessed and notarized, that either states that the donor (1) agrees to disclose his or her identity to a child conceived by assisted reproduction with the donor's gametes upon request once the child reaches age 18 or (2) states that the donor must not presently agree to disclose the donor's identity to the child.

A gamete bank or fertility clinic operating in the state must allow a donor who has signed a declaration to withdraw the declaration at any time by signing a declaration not presently agreeing to the disclosure.

Disclosure of a Donor's Information Upon the Request of an Adult Child or a Minor Child's Parent or Guardian (§§ 78, 82 & 83)

Donor's Identifying Information. Upon the request of a child conceived by assisted reproduction who is age 18 or older, a gamete bank or fertility clinic operating in Connecticut that collected the gametes used in the assisted reproduction must make a good faith effort to provide the child with identifying information of the gamete's donor, unless the donor signed and did not withdraw a declaration not agreeing to the disclosure. If the donor signed and did not withdraw such declaration, the gamete bank or fertility clinic must make a good faith effort to notify the donor, who may elect to withdraw the declaration. Under the bill, "identifying information" means the donor's full name; date of birth; and permanent and, if different, current address at the time of the donation.

Donor's Medical History. Upon the request of a child conceived by assisted reproduction who is age 18 or older, or, if the child is a minor, by his or her parent or guardian, a gamete bank or fertility clinic operating in the state that collected the gametes used in the assisted reproduction must make a good faith effort to provide the child or a minor child's parent or guardian access to the donor's nonidentifying medical history. "Medical history" means information regarding the donor's past or present illness and the social, genetic, and family history pertaining to the donor's health.

Other Bank or Fertility Clinic Information. Upon the request of a child conceived by assisted reproduction who is age 18 or older, a

gamete bank or fertility clinic operating in this state that received the gametes used in the assisted reproduction from another gamete bank or fertility clinic must disclose the name, address, telephone number and email address of the gamete bank or fertility clinic from which it received the gametes.

Records Retention and Reporting Requirements. A gamete bank or fertility clinic operating in Connecticut that collects gametes for use in assisted reproduction must maintain identifying information and medical history about each gamete donor. The gamete bank or fertility clinic must maintain records of gamete screening and testing and comply with federal and state reporting requirements, other than the CPA.

A gamete bank or fertility clinic operating in Connecticut that receives gametes from another gamete bank or fertility clinic operating in Connecticut must maintain the name, address, telephone number, and email address of the gamete bank or fertility clinic from which it received the gametes.

§§ 3 & 84-86 — MISCELLANEOUS PROVISIONS

Specifies that it (1) does not change the equitable powers of the courts or parental rights or duties; (2) has retroactive effect only on cases without judgment before January 1, 2022; (3) should be applied and construed in a manner to promote uniformity of law; and (4) does not affect certain federal laws related to disclosures and court notice

The bill specifies that:

1. it does not create, affect, enlarge, or diminish the equitable powers of the Connecticut's courts or parental rights or duties under state law other than this bill (§ 3);
2. it applies retroactively to proceedings in which a person's parentage has not been adjudicated or determined by operation of law and no judgment has been rendered before January 1, 2022 (§ 86);
3. in applying and construing its provisions, consideration must be given to the need to promote uniformity of the law with respect

to its subject matter among states that enact it (§ 84); and

4. its provisions generally do not modify, limit, or supersede provisions related to consumer disclosures and court notices under the federal Electronic Signatures in Global and National Commerce Act (§ 85).

§§ 103, 104, 117 & 124 — CHANGES TO UNRELATED PROVISIONS

Makes changes, made necessary by the CPA, to certain provisions on a nonmarital child's inheritance, temporary custody hearings, and DSS exceptions for someone to refuse to cooperate with parentage determination

Nonmarital Child's Inheritance (§§ 103 & 104)

Under the bill, a child and his or her legal representatives must qualify for inheritance from or through the parent if parentage is established in accordance with the CPA or by adoption. If parentage is based on presumed parentage (§ 36(a)(3)) or genetic parentage (§§ 40-50), parentage must be established by a voluntary acknowledgment (§§ 24-35) or court adjudication. Under current law, a child born out of wedlock and his or her legal representatives must qualify for inheritance from or through the father if the father's paternity (1) was established by a written acknowledgment of paternity or (2) has been adjudicated by a court of competent jurisdiction.

The bill makes a similar change to current law that applies to a father or his kindred qualifying for inheritance from a child born out of wedlock.

Temporary Custody Hearing (§ 117)

Existing law requires a preliminary hearing for the court to carry out certain functions, including identifying anyone related to the child or youth residing in Connecticut who might serve as licensed foster parents or temporary custodians. Under existing law, the person may be related to the child by blood or marriage. The bill also adds persons related to the child by law.

Exceptions for Refusing to Cooperate With Determining an IV-D Child's Parentage (§ 124)

Existing law requires the DSS commissioner to adopt regulations to establish criteria to determine good cause or other exceptions for a person to refuse to cooperate with genetic testing to determine paternity, considering the child's best interest. The bill updates terminology to conform with the CPA. Additionally, under the bill the DSS commissioner's criteria must apply to establish good cause or other exceptions for unmarried parents of a child who is a public assistance recipient to refuse to cooperate with requirements to determine the alleged genetic parent as established by the CPA.

§§ 87-148 — CONFORMING CHANGES AND GENDER-SPECIFIC AND OTHER TERMINOLOGY CHANGES

Makes conforming changes throughout the statutes by removing certain gender-specific references and other changes in statutes that address things such as (a) birth certificates; (b) human services, social services, and public health protocols and systems; (c) probate court matters; and (d) family relations matters

The bill makes conforming changes, including by replacing terms the CPA makes obsolete. It does so in statutes affecting:

1. municipal registrars of vital statistics (e.g., birth certificates);
2. standing to participate in a DCF reunification hearing;
3. social services (e.g., child support enforcement);
4. public health (e.g., amendment of birth certificates and disclosure of paternity to IV-D agency);
5. Probate Court and procedures (e.g., regional children courts, paternity determinations, and inheritance issues);
6. family relations matters (e.g., divorce, annulment, legal separation, custody, paternity, and support);
7. process in certain civil actions (e.g. paternity, support, costs and fees related to wills and trusts);
8. post judgment procedures (e.g., child support withholding); and

9. criminal nonsupport.

The bill eliminates provisions under current law that address acknowledgement of paternity (§ 46b-172) and correspondingly replaces internal references to that section with the sections of the CPA that address acknowledgment of parentage (§§ 24-35). The bill similarly removes current provisions that apply to proceedings to establish paternity of a child born or conceived out of lawful wedlock (§ 46b-160) and genetic testing for paternity (§ 46b-168) and replaces them with references to the applicable sections of the CPA. Additionally, the bill repeals a provision of current law that provides for the establishment of paternity in certain cases in which the child is found to not be an issue of the marriage (§ 112).

The bill provides for the scenario where there may be more than two parents by removing words such as “both” or “either” under current law in reference to parents. It also provides for equal treatment under the law for children born to same-sex couples and to married or unmarried parents by, among other things, removing certain gender-specific references (e.g., “maternity” and “paternity”) and other terms (e.g., “legitimate child” and “illegitimate child”).

§ 149 — REPEALER

Repeals statutes that address a putative father’s paternity case, the doctrine that a child born in wedlock is legitimate, and other provisions related to children conceived through artificial insemination

The bill also repeals laws addressing (1) a putative father’s testimony and evidence of good character in paternity cases; (2) the doctrine that a child born in wedlock is legitimate, including a child conceived through artificial insemination; and (3) other provisions that apply to children conceived through artificial insemination, including confidentiality, Probate Court filings, rights of sperm or egg donors, determining the jurisdiction of the child’s birth, and the child’s inheritance.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/29/2021)